

OLDER AMERICANS ACT
2000 AMENDMENTS
RESOURCE DOCUMENT

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**Older American Act
2000 Amendments
Resource Document**

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Note: Subtitle B and C were not reviewed by the Committee nor included in this Resource Document because the California Department of Aging receives no funds for this Title.

RESOURCE DOCUMENT TERMS

Outlines use the **OAA section numbering system**; the United States Code section number is referenced at the beginning of each section.

Left hand column shows the 1992 OAA number. If a new section/subsection number is added by the 2000 amendments, the new number is underlined. If the 1992 OAA number is deleted, the number will show a ~~strike~~through.

Right hand column shows the status of the section number indicated in the left-hand column.

Issues and concerns about OAA 2000 amendments are shown in a *Note, in italics*, after the appropriate section number information.

DEFINITION OF TERMS

No Change

Means a 1992 OAA section number and language were not affected by 2000 OAA amendments.

Deleted

Means language was deleted by the 2000 amendments and was not moved to another section of the OAA. This could be a word, phrase, sentence, etc.

Means a section (number and language) was deleted by the 2000 amendments and was not moved to another section of the OAA.

Means a number was deleted by the 2000 amendments. The language was moved to another section.

Added

Means language was added by the 2000 amendments; language was not previously in the 1992 OAA. This could be an added word, phrase, sentence, etc. "Added" language could indicate a new requirement.

Means a section (number and language) was added by the 2000 amendments; the section was not previously in the 1992 OAA.

Means a number was added by the 2000 amendments; this number was not previously in the 1992 OAA. The language is not new.

Moved

Means language was moved by the 2000 amendments to or from another section.

Changed

Means 1992 OAA language was changed by 2000 amendments. Changed means the language has been revised, updated, clarified, rewritten, etc. Changed does not indicate a new requirement.

Cross Reference Guide of the Older Americans Act and the United States Code by Section Number

Older Americans Act Section Number	42 United States Code Section Number
Title I – Declaration of Objectives and Definitions	Subchapter I – Declaration of Objectives and Definitions
101	3001
102	3002
----	3003
Title II – Administration on Aging	Subchapter II – Administration on Aging
201	3011
202	3012
203	3013
203a	3013a
204	3015
205	3016
206	3017
207	3018
208	3019
209	3020
210	3020a
211	3020b
212	3020c
213	3020d
214	3020e
215	3020e-1
216	3020f
Title III– Grants for State and Community Programs on Aging	Subchapter III– Grants for State and Community Programs on Aging
Part A – General Provisions	Part A – General Provisions
301	3021
302	3022
303	3023
304	3024
305	3025
306	3026
307	3027
308	3028
309	3029
310	3030
311	3030a
312	3030b
313	3030c
314	3030c-1
315	3030c-2
316	3030c-3
Part B – Supportive Services	Part B – Supportive Services
321	3030d
Part C – Nutrition Services	Part C – Nutrition Services
331	3030e
336	3030f
337	3030g
339	3030g-21
339A	3030g-22
Part D – Disease Prevention and Health Promotion Services	Part D – Disease Prevention and Health Promotion Services
361	3030m
362	3030n

Part E – National Family Caregiver Support Program	Part E – National Family Caregiver Support Program
371	Short Title
372	3030s
373	3030s-1
374	3030s-2
375	3030s-11
376	3030s-12
Title IV--Training, Research, and Discretionary Projects and Programs Note: Title IV was not reviewed by the Committee nor included in this Resource Document because the California Department of Aging received no funds for this Title.	Subchapter IV--Training, Research, and Discretionary Projects and Programs
Title V --Community Service Employment for Older Americans	Subchapter IX—Community Service Employment for Older Americans
501	Short Title
502	3056
503	3056a
504	3056b
505	3056c
506	3056d
507	3056e
508	3056f
509	3056g
510	3056h
511	3056i
512	3056j
513	3056k
514	3056l
515	3056m
516	3056n
Title VI—Grants for Native Americans Note: Title Vi was not reviewed by the Committee nor included in this Resource Document because the California Department of Aging received no funds for this Title.	Subchapter X—Grants for Native Americans
Title VII—Allotments for Vulnerable Elder Rights Protection Activities	Subchapter XI—Allotments for Vulnerable Elder Rights Protection Activities
701	3058
702	3058a
703	3058b
704	3058c
705	3058d
706	3058e
711	3058f
712	3058g
713	3058h
721	3058i
731	3058j
741	3058k
751-764 Note: These sections were not reviewed by the Committee nor included in this Resource Document because the California Department of Aging received no funds for this Title.	3058aa-3058ee

Title I: Declaration of Objectives and Definitions

SECTION 101 (42 USC 3001) CONGRESSIONAL DECLARATION OF OBJECTIVES

1992 OAA sections:

2000 Amendments to the 1992 OAA sections:

101(1)	<u>No Change.</u>
101(2)	<u>No Change.</u>
101(3)	<u>No Change.</u>
101(4)	<u>No Change.</u>
101(5)	<u>No Change.</u>
101(6)	<u>No Change.</u>
101(7)	<u>No Change.</u>
101(8)	<u>No Change.</u>
101(9)	<u>No Change.</u>
101(10)	<u>No Change.</u>

SECTION 102 (42 USC 3002) DEFINITIONS

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

102(1)	<u>No Change.</u>
102(2)	<u>No Change.</u>
102(3)	<u>Changed.</u> Change pertains to “Trust Territory of the Pacific Islands” language which is no longer included in the definition of “State”: (the Territory of the Pacific Islands are the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau)

102(4)	<u>No Change.</u>
102(5)	<u>No Change.</u>
102(6)	<u>No Change.</u>
102(7)	<u>No Change.</u>
102(8)	<u>No Change.</u>
102(9)	<u>No Change.</u>
102(10)	<u>No Change.</u>
102(11)	<u>No Change.</u>
102(12)(A-L)	<u>Deleted/Moved.</u> Deleted the definition for “Trust Territory of the Pacific Islands.” Definition for “Disease Prevention” moved from Title III, Part F, section 363 to 102(12)(A-L).
102(13)	<u>No Change.</u>
102(14)	<u>No Change.</u>
102(15)	<u>No Change.</u>
102(16)	<u>No Change.</u>
102(17)	<u>No Change.</u>
102(18)	<u>Deleted/Moved.</u> Deleted the definition for “Art therapy.” Definition for “board and care” moved from 102(19) to 102(18).
102(19)(A-G)	<u>Moved.</u> Definition for “board and care facility” moved from section 102(19) to section 102(18). Definition for “in-home services” moved from Title III, Part D, section 342 to 102(19)(A-G).
102(20)(A-B)	<u>Deleted/Added.</u> Deleted the definition for “Caregiver.” Added a new definition for “Native American” in 102(20)(A-B).
102(21)(A-B)	<u>Deleted/Moved.</u> Deleted the definition of “Caretaker.” Definition for “case management service” moved from 102(22)(A-B) to 102(21)(A-B).

102(22)(A-B)	<u>Moved.</u> Definition for “case management service” moved from 102(22)(A-B) to 102(21)(A-B). Definition for “elder abuse” moved from 102(24) to 102(22).
102(23)	<u>Deleted/Moved.</u> Deleted the definition of “dance-movement therapy.” Definition for “elder abuse, neglect, and exploitation” moved from 102(25) to 102(23).
102(24)	<u>Moved.</u> Definition for “elder abuse” moved from 102(24) to 102(22). Definition for “exploitation” moved from 102(26) to 102(24).
102(25)	<u>Moved.</u> Definition for “elder abuse, neglect, and exploitation” moved from 102(25) to 102(23). Definition for “focal point” moved from 102(27) to 102(25).
102(26)(A-B)	<u>Moved.</u> Definition for “exploitation” moved from 102(26) to 102(24). Definition for “frail” moved from 102(28)(A-B) to 102(26)(A-B).
102(27)	<u>Moved.</u> Definition for “focal point” moved from 102(27) to 102(25). Definition for “greatest economic need” moved from 102(29) to 102(27).
102(28)(A-C)	<u>Moved.</u> Definition for “frail” moved from 102(28)(A-B) to 102(26)(A-B). Definition for “greatest social need” moved from 102(30)(A-C) to 102(28)(A-C).
102(29)(A-E)	<u>Moved.</u> Definition for “greatest economic need” moved from 102(29) to 102(27). Definition for “information and assistance service” moved from 102(31)(A-E) to 102(29)(A-E).
102(30)(A-C)	<u>Moved/Changed.</u> Definition for “greatest social need” moved from 102(30)(A-C) to 102(29)(A-C). Definition for “institution of higher education” moved from 102(32) to 102(30); changed reference citation in language.
102(31)(A-B)	<u>Moved.</u> Definition for “information and assistance service” moved from 102(31)(A-E) to 102(29)(A-E). Definition for “legal assistance” moved from 102(33)(A-B) to 102(31)(A-B).
102(32)(A-D)	<u>Moved/Changed.</u> Definition for “institution of higher education” moved from 102(32) to 102(30). Definition for “long-term care facility” moved from 102(34)(A-D) to 102(32)(A-D); changed reference citation in language.

- 102(33)(A-B)** **Moved.** Definition for “legal assistance” moved from 102(33)(A-B) to 102(31)(A-B). Definition for “multipurpose senior center” moved from 102(35) to 102(33).
- 102(34)(A-B)** **Moved.** Definition for “long-term care facility” moved from 102(34)(A-D) to 102(32)(A-D). Definition for “neglect” moved from 102(37)(A-B) to 102(34)(A-B).
- 102(35)** **Moved.** Definition for “multipurpose senior center” moved from 102(35) to 102(33). Definition for “older individual” moved from 102(38) to 102(35).
- 102(36)** **Deleted/Moved.** Deleted the definition for “Music therapy.” Definition for “physical harm” moved from 102(39) to 102(36).
- 102(37)** **Moved.** Definition for “neglect” moved from 102(37) to 102(34). Definition for “planning and service area” moved from 102(40) to 102(37).
- 102(38)** **Moved.** Definition for “older individual” moved from 102(38) to 102(35). Definition for “poverty line” moved from 102(41) to 102(38).
- 102(39)** **Moved.** Definition for “physical harm” moved from 102(39) to 102(36). Definition for “representative payee” moved from 102(42) to 102(39).
- 102(40)** **Moved.** Definition for “planning and service area” moved from 102(40) to 102(37). Definition for “State agency” moved from 102(43) to 102(40).
- 102(41)** **Moved.** Definition for “poverty line” moved from 102(41) to 102(38). Definition for “supportive services” moved from 102(44) to 102(41).
- 102(42)** **Added.** Added a new definition for “Family violence”; uses the same definition as in the Family Violence Prevention and Services Act (42 USC 10408).
- 102(43)** **Added.** Added a new definition for “Sexual assault”; uses the same definition as in the Omnibus Crime Control and Safe Streets Act of 1968 (42 USC 3796gg-2) section 2003 (references Title 18 of the USC, Crimes and Criminal Procedure)
- 102(44)** **Moved/Deleted.** Definition for “supportive services” moved to 102(41). Deleted this section number.

SECTION 103 (42 USC 3003) CONGRESSIONAL DECLARATION OF ADDITIONAL OBJECTIVES

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

103

No Change.

Title II: Administration on Aging

SECTION 201 (42 USC 3011) ESTABLISHMENT OF ADMINISTRATION ON AGING

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

201(a)

No Change.

201(b)

No Change.

201(c)

No Change.

201(c)(1)

No Change.

201(c)(2)

No Change.

201(c)(3)

No Change.

201(c)(3)(A-J)

No Change.

201(d)(1)

No Change.

201(d)(2)(A-B)

No Change.

201(d)(3)

No Change.

201(d)(3)(A)

No Change.

201(d)(3)(B)

No Change.

201(d)(3)(B)(i)-(ii)	<u>No Change.</u>
201(d)(3)(C)	<u>No Change.</u>
201(d)(3)(C)(i)	<u>No Change.</u>
201(d)(3)(C)(ii)	<u>Changed.</u> Changed citation reference from 307(a)(12) to 307(a)(9).
201(d)(3)(D)	<u>No Change.</u>
201(d)(3)(D)(i)-(ii)	<u>No Change.</u>
201(d)(3)(E)	<u>No Change.</u>
201(d)(3)(F)	<u>No Change.</u>
201(d)(3)(G)	<u>No Change.</u>
201(d)(3)(H)	<u>No Change.</u>
201(d)(3)(I)	<u>No Change.</u>
201(d)(3)(J)	<u>Changed.</u> Changed citation reference from 307(a)(12) to 307(a)(9).
201(d)(3)(K)	<u>No Change.</u>
201(d)(3)(L)	<u>No Change.</u>

SECTION 202 (42 USC 3012) FUNCTIONS OF ASSISTANT SECRETARY

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

202(a)(1-8)	<u>No Change.</u>
202(a)(9)	<u>Deleted/Moved.</u> Deleted language in 202(a)(9), which required the Assistant Secretary to stimulate more effective use of existing resources. Moved language from 202(a)(10) to 202(a)(9).

- 202(a)(10)** **Moved.** Moved language from 202(a)(10) to 202(a)(9). Moved language from 202(a)(11) to 202(a)(10).
- 202(a)(11)** **Moved.** Moved language from 202(a)(11) to 202(a)(10). Moved language from 202(a)(12) to 202(a)(11).
- 202(a)(12)** **Moved.** Moved language from 202(a)(12) to 202(a)(11). Moved language from 202(a)(15) to 202(a)(12).
- 202(a)(13)** **Deleted/Moved.** Deleted language in 202(a)(13) which referenced convening conferences with public officials and nongovernmental organizations related to the development and operations of programs for older individuals as deemed necessary by the Assistant Secretary. Moved language from 202(a)(16) to 202(a)(13).
- 202(a)(14)** **Deleted/Moved.** Deleted language in 202(a)(14) which referenced developing and operating programs not otherwise provided by the OAA. Moved language from 202(a)(17) to 202(a)(14).
- 202(a)(15)** **Moved/Added.** Moved language from 202(a)(18) to 202(a)(15). Added language, "older individuals residing in rural areas" - as one of the groups with greatest social/economic need that must be represented/consulted in the development of training packages developed by AoA.¹
- 202(a)(16)(A-C)** **Moved/Added/Changed.** Moved language from 202(a)(16) to 202(a)(13). Moved language from 202(a)(19)(A-C) to 202(a)(16)(A-C) and added sections (A-C); changed paragraph reference in 202(a)(16)(c) to "paragraphs (2) and (4)(A) of Section 306(a)."
- 202(a)(17)(A-B)** **Moved/Added.** Moved language from 202 (a)(17) to 202(a)(14). Moved language from 202(a)(20)(A-B) to 202(a)(17)(A-B).
- 202(a)(18)(A-B)** **Moved/Added/Changed.** Moved language from 202(a)(18) to 202(a)(15). Moved language from 202(a)(21)(A-B) to 202(a)(18)

¹ The Census Bureau's classification of "rural" consists of all territory, population, and housing units located outside of Urban Areas and Urban Centers. The rural component contains both place and nonplace territory. Geographic entities, such as census tracts, counties, metropolitan areas, and the territory outside metropolitan areas, often are "split" between urban and rural territory, and the population and housing units they contain often are partly classified as urban and partly classified as rural (Census 2000 website). *The Census is providing to CDA the list of rural areas by PSA and percentage of older population based on 2000 Census data (pending as of 1/28/03).* Also spoke with David Ishida who indicated that AoA has no official definition at the moment; it is left up to States and AAAs to define rural areas. Currently, NASUA and N4A have a work group looking at this issue.

and added sections (A-B); changed reference to fiscal year in (B) from 1999 to 2000.

- 202(a)(19)(A-C)** **Moved/Deleted/Changed.** Moved language from 202(a)(19) to 202(a)(16). Moved language from 202(a)(22) to 202(a)(19); deleted the (A-D) of 202(a)(22) that specified AoA issue regulations related to disclosure of contractual information by Area Agencies on Aging (AAAs). Rewrote the paragraph instructing States to conduct strict monitoring of State compliance in order to prohibit any conflict of interest. (*Currently in State statute*).
- 202(a)(20)(A-B)** **Moved.** Moved language from 202(a)(20)(A-B) to 202(a)(17)(A-B). Moved language from 202(a)(23) to (202)(a)(20).
- 202(a)(21)(A-B)** **Moved/Changed.** Moved language from 202(a)(21)(A-B) to 202(a)(18)(A-B). Moved language from 202(a)(24) to 202(a)(21). Changed language by expanding the requirements of information and assistance services for older individuals *to include* the development and operation of a National Eldercare Locator Service to provide information through a nationwide toll-free number.
- 202(a)(22)(A-D)** **Moved/Deleted.** Moved language from 202(a)(22)(A-D) to 202(a)(19); deleted sections (A-D). Moved language from 202(a)(25) to 202(a)(22).
- 202(a)(23)** **Moved/Changed.** Moved language from 202(a)(23) to 202(a)(20). Moved language from 202(a)(26) to 202(a)(23); changed section reference citation to (307)(a)(13) and 731.
- 202(a)(24)** **Moved/Added.** Moved language from 202(a)(24) to 202(a)(21). Added new requirement to establish pension counseling and information programs (see section 215 for details).
- 202(a)(25)** **Moved.** Moved language from 202(a)(25) to 202(a)(22). Moved language from 202(a)(28) to 202(a)(25).
- 202(a)(26)(A-E)** **Moved/Added.** Moved language from 202(a)(26) to 202(a)(23). Moved language from 202(a)(29)(A-E) to 202(a)(26) and added sections (A-E).
- 202(a)(27)(A-D)** **Deleted/Added.** Deleted language in 202(a)(27)(A-D), which related to – “to conducting studies related to improving the delivery of services to low-income minorities and older individuals living in rural areas.”

Added new language with *new requirement* that AoA address improving services to older individuals living in rural areas by:

- (A) Synthesizing best practices on providing services in rural areas
- (B) Developing a resource guide
- (C) Providing training and technical assistance to States
- (D) Submitting a report on States' experience no later than 36 months after enactment----REPORT DUE 11/2003

202(a)(28)	<u>Moved/Deleted.</u> Moved language from 202(a)(28) to 202(a)(25). Deleted section number.
202(a)(29)	<u>Moved/Deleted.</u> Moved language from 202(a)(29) to 202(a)(26). Deleted section number.
202(a)(30)	<u>Deleted.</u> Deleted section number and language requiring that all federal grants and contracts made via Title II and IV be made using competitive bidding process established by Assistant Secretary.
202(b)(1-4)	<u>No Change.</u>
202(c)(4)	<u>Deleted.</u> Reorganized by deleting section number (1), however, did not change the language that requires the Assistant Secretary to encourage and permit voluntary groups active in supportive services to participate in the programs provided by the OAA.
202(c)(2)(A-B)	<u>Deleted.</u> Deleted section number and language requiring the Assistant Secretary to work with the Corporation of National Service to encourage volunteerism among groups active in supportive services and assist in the establishment of area volunteer service coordinators and state coordinators, as well as provide technical assistance.
202(d)(1-3)	<u>No Change.</u>
202(d)(4)	<u>Changed.</u> Changed the fiscal year reference from 1990 to 2000.
202(e)(1)(A)	<u>No Change.</u>
202(e)(1)(A)(i)	<u>Changed.</u> Revised section to be more general. Now the section references providing information about grants and projects under Title IV (and does not specify sections, e.g., parts A and B).
202(e)(1)(A)(ii)	<u>No Change.</u>
202(e)(1)(A)(ii)(I)	<u>No Change.</u>

202(e)(1)(A)(ii)(II)	<u>No Change.</u>
202(e)(1)(A)(ii)(III)	<u>No Change.</u>
202(e)(1)(A)(iii)	<u>No Change.</u>
202(e)(1)(A)(iv)	<u>Deleted.</u> Deleted reference in paragraph to information provided by the Resource Centers on Native American Elders under section 3035m of the OAA which has been repealed.
202(e)(1)(A)(v)	<u>No Change.</u>
202(e)(1)(A)(vi)	<u>No Change.</u>
202(e)(1)(B)	<u>No Change.</u>
202(e)(1)(C)	<u>No Change.</u>
202(e)(2)(A-B)	<u>No Change.</u>
<u>202(f)(1)</u>	<u>Added.</u> Added new section. Requires the Assistant Secretary to publish a set of performance outcome measures to be used for planning, managing, and evaluating activities performed and services provided under the Act.
<u>202(f)(2)</u>	<u>Added.</u> Added new section outlining the process for developing performance outcome measures.
<u>202(f)(2)(A)</u>	<u>Added.</u> Added new section. Review of current measures.
<u>202(f)(2)(B)</u>	<u>Added.</u> Added new section. Development of outcome measures.
<u>202(f)(2)(C)</u>	<u>Added.</u> Added new section. Pilot testing.
<u>202(f)(2)(D)</u>	<u>Added.</u> Added new section. Evaluation of pilot test.

SECTION 203 (42 USC 3013) FEDERAL AGENCY COOPERATION

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

203(a)(1) **No Change.**

203(a)(2)	<u>Changed.</u> Changed reference from Job Training Partnership Act to Workforce Investment Act of 1998.
203(a)(3)	<u>No Change.</u>
203(a)(3)(A)	<u>Added.</u> Added ...and older individuals residing in rural areas to the definition of older individuals.
203(a)(3)(B)	<u>No Change.</u>
203(b)	<u>No Change.</u>
203(b)(1)	<u>Changed.</u> Changed reference from Job Training Partnership Act to Workforce Investment Act of 1998.
203(b)(2-7)	<u>No Change.</u>
203(b)(8)	<u>Changed.</u> Changed reference from Adult Education Act to the Adult Education and Family Literacy Act.
203(b)(9-16)	<u>No Change.</u>
203(b)(17)	<u>Changed.</u> Changed reference from the Developmental Disabilities and Bill of Rights Act to the Developmental Disabilities Assistance and Bill of Rights Act of 2000
203(b)(18)	<u>No Change.</u>

SECTION 203A (42 USC 3013a) CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS

<u>OAA 1992 sections:</u>	<u>2000 Amendments to the 1992 OAA sections:</u>
203A	<u>No Change.</u>

SECTION 204 (42 USC 3015) GIFTS AND DONATIONS

<u>OAA 1992 sections:</u>	<u>2000 Amendments to the 1992 OAA sections:</u>
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- 204(a-g)** **Deleted.** Deleted entire section related to the establishment and administration of the Federal Council on the Aging.
- 204(a)** **Added.** Added new section relating to acceptance and use of gifts and donations by the Assistant Secretary.
- 204(b)(1-3)** **Added.** Added new section defining how gifts/donations accepted by the Assistant Secretary can be used.
- 204(c)(1-2)** **Added.** Added new section authorizing the Assistant Secretary to establish written guidelines related to accepting gifts for AoA.

SECTION 205 (42 USC 3016) AUTHORITY OF ASSISTANT SECRETARY

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

- 205(a)(1)(A-E)** **No Change.**
- 205(a)(2)(A)** **Changed.** Changed reference to *subparts I and II* (only) of part C of Title III. Struck reference to subpart III, as it no longer exists (meals for school-based senior volunteers).
- 205(a)(2)(A)(i)-(viii)** **No Change.**
- 205(a)(2)(B)** **No Change.**
- 205(a)(2)(C)(i)-(ii)** **No Change.**
- 205(b)** **No Change.**
- 205(c)** **Deleted/Moved.** Deleted language establishing a timeline for publishing proposed regulations for the OAA, no later than 120 days after October 9, 1987. Moved language from 205(e) to 205(c).
- 205(d)** **Deleted.** Deleted section number and language establishing a timeline for publishing proposed goals, no later than September 1 of each fiscal year, for public comment.
- 205(e)** **Moved/Deleted.** Moved language from 205(e) to 205(c) relating to use of authorized appropriations. Deleted section number.

SECTION 206 (42 USC 3017) EVALUATION OF PROGRAMS

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

- 206(a)** **Added.** Added requirement to include *older individuals residing in rural areas* as part of the target population, which includes older people with the greatest economic need and those with the greatest social need to be included in evaluations determining program effectiveness.
- 206(b)** **No Change.**
- 206(c)** **Added.** Added *older individuals residing in rural areas* to those who should be consulted in conducting evaluations.
- 206(d)** **No Change.**
- 206(e)** **No Change.**
- 206(f)** **No Change.**
- 206(g)** **Deleted/Moved.** Deleted language related to evaluation of nutritional services, establishment of the advisory council, and report on recommendations and guidelines to Congress. Moved language from 206(h) to 202(g).
- 206(h)** **Moved/Deleted.** Moved language from 206(h) to 202(g). Deleted section number.

SECTION 207 (42 USC 3018) REPORTS TO CONGRESS

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

- 207(a)** **No Change.**
- 207(a)(1)** **No Change.**
- 207(a)(2)** **No Change.**

207(a)(3)	<u>Deleted/Moved/Added.</u> Deleted paragraph related to an analysis. Reference was struck in 3026(b)(2)(D) related to public hearings in Title III, thus no longer relevant. Moved language from 207(a)(4) to 207(a)(3); added language, “older individuals residing in rural areas” - to be included as part of the target population in statistical reports. This section requires a report to Congress by the AoA that includes statistical data and an analysis of the effectiveness of outreach to target populations (greatest economic and social need, low-income minorities, and low-income frail older people).
207(a)(4)	<u>Moved.</u> Moved language from 207(a)(4) to 207(a)(3). Moved language from 207(a)(5) to 207(a)(4).
207(a)(5)	<u>Moved/Deleted.</u> Moved language from 207 (a)(5) to 207(a)(4). Deleted section (a)(5).
207(b)(1)	<u>No Change.</u>
207(b)(1)(A-D)	<u>No Change.</u>
207(b)(2)(A-C)	<u>No Change.</u>
207(c)	<u>No Change.</u>
207(c)(1-4)	<u>No Change.</u>
207(c)(5)	<u>Added.</u> Added <i>older individuals residing in rural areas</i> to older population (which includes those with the greatest social and economic needs) to be included in assessing the effectiveness of State and local targeting efforts.

SECTION 208 (42 USC 3019) JOINT FUNDING OF PROJECTS

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

208 **No Change.**

SECTION 209 (42 USC 3020) ADVANCE FUNDING

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

209

No Change.

SECTION 210 (42 USC 3020a) APPLICATION OF OTHER LAWS

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

210

No Change.

SECTION 211 (42 USC 3020b) REDUCTION OF PAPER WORK

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

211

No Change.

SECTION 212 (42 USC 3020c) CONTRACTING AND GRANT AUTHORITY

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

212

No Change.

SECTION 213 (42 USC 3020d) SURPLUS PROPERTY ELIGIBILITY

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

213

No Change.

SECTION 214 (42 USC 3020e) NUTRITION EDUCATION

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

214 **Changed.** Changed citation reference from 307(a)(13)(J) to 339(2)(J).

SECTION 215 (42 USC 3020e-1) PENSION COUNSELING AND INFORMATION PROGRAMS

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

215 **Moved.** Moved language (Authorization of Appropriations) to 216 (42 USC 3020f) and added all new language to 215 (42 USC 3020e-1) regarding pension and other retirement benefits.

215(a)(1-2) **Added.** Added new section. Defines “pension and other retirement benefits” as private civil service and other public pensions and retirement benefits including those provided under the Social Security program under Title II of the Social Security Act (42 USC 401), the railroad retirement program under the Railroad Retirement Act of 1974, the government retirement programs under the Civil Service Retirement System, and employment pension benefit plans, section 1002(2) of Title 29.

Defines a “pension counseling and information program” as a program defined in subsection (b).

215(b) **Added.** Added new section. Authorizes the Assistant Secretary to award grants to eligible entities to establish and carry out pension counseling and information programs to provide outreach, information counseling, referral, and other assistance related to pension and retirement benefits.

215(c)(1)-(2)(A-C) **Added.** Added new section. Defines eligible entities as: (1) state agencies or area agencies on aging and (2) nonprofit organizations with proven record of providing services related to retirement of older individuals, services to Native Americans or specific pension counseling.

215(d)

Added. Added new section. Establishes a citizen advisory panel to advise the Assistant Secretary on which entities should receive grant awards under this section. The panel should include representatives of business, labor, national senior advocates, and national pension rights advocates.

215(e)(1)(A-J)
and (2)

Added. Added new section. Establishes application submission requirements.

A plan to establish a pension counseling and information program that:

- establishes or continues a State or area pension counseling and information program;
- serves a specific geographic area;
- provides counseling (including direct counseling) and information that assists clients in obtaining information/establishing rights and filing claims or complaints related to pension or other retirement benefits;
- provides information on sources of pension and other retirement benefits;
- establishes a referral system for legal services another advocacy programs;
- provides a sufficient number of staff (including volunteers) to ensure services;
- provides for staff/volunteer training;
- makes recommendations to the Administration, Department of Labor and other State or local entities regarding pension/retirement benefits for older individuals;
- establishes or continues an outreach program, with particular emphasis on women, minorities, older individuals in rural areas, and low income retirees, and
- provides assurances that staff have no conflict of interest in providing services.

215(f)(1-4)

Added. Added new section. Establishes application review criteria:

- evidence of commitment by the entity to carry out the proposed program;
- ability of the entity to effectively outreach to the affected population, especially those identified as in need of special outreach;
- demonstrated need of services proposed by the entity;
- ability of the entity to provide services on a statewide or regional basis.

- 215(g)(1-3)** **Added.** Added new section. Training and Technical Assistance Program. The Assistant Secretary will also provide grants to eligible entities to establish training and technical assistance programs to provide assistance to staff of entities operating pension counseling and information programs, including assistance in the design of program evaluation tools.
- Eligible entities include: nonprofit organizations with a record of providing national information, referral, and advocacy related to pension and other retirement benefits.
- 215(h)(1-3)** **Added.** Added new section. Pension Assistance Hotline and Interagency Coordination. This section provides the Assistant Secretary will enter into agreements with other federal agencies to establish and administer a national telephone hotline to provide information for individuals seeking outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits.
- 215(i)(1-4)** **Added.** Added new section. Report to Congress. The AoA must submit a report to Congress no later than June 2003 summarizing:
- the distribution and expenditure of funds;
 - the scope and content of training and assistance provided;
 - the problems encountered by program participants, and
 - recommendations on how similar services can be incorporated into existing programs of State agencies, AAAs, multipurpose senior centers or other similar entities.
- 215(j)** **Added.** Added new section. Administrative Expenses Establishes a \$100,000 cap on administrative expenditures by AoA for this program.

SECTION 216 (42 USC 3020f) AUTHORIZATION OF APPROPRIATIONS

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

- 216(a)** **Moved/Changed.** Moved language from 215 to 216. Changed language which extended appropriations for administration, salaries, and expenses of the OAA through 2005 for AoA (from 1995).
- 216(b)(1-2)** **Deleted/Added.** Deleted section referencing specific dollar amounts and a minimum number of AoA employees. Added

appropriation authorization for the new Elder Care Locator Program through 2005.

216(c)

Added. Added a new section authorizing appropriations for the new Pension Counseling and Information Program through 2005.

Title III: Grants for State and Community Programs on Aging

Part A - General Provisions

SECTION 301 (42 USC 3021) PURPOSE AND PROGRAM

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

301(a)(1) **No Change.**

301(a)(2) **No Change.**

301(a)(2)(A) **No Change.**

301(a)(2)(B) **No Change.**

301(a)(2)(C) **No Change.**

301(a)(2)(D) **No Change.**

301(a)(2)(E) **No Change.**

301(b)(1) **No Change.**

301(b)(2) **No Change.**

301(c) **Changed.** Changed citation from 307(a)(12) to 307(a).

301(d)(1) **Added.** Added new section number and language which restricts the use of Federal and Match funds to activities and services for older individuals and others specified in the Act.

301(d)(2) **Added.** Added new section number and language which states that funds not named in (1) above, are not restricted.

SECTION 302 (42 USC 3022) DEFINITIONS

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

302(1)(A) **No Change.**

302(1)(B) **No Change.**

302(1)(C) **No Change.**

302(1)(D) **No Change.**

302(2)(A) **No Change.**

302(2)(B) **No Change.**

302(3) **No Change.**

SECTION 303 (42 USC 3023) AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

303(a)(1) **Deleted/Added.** Deleted language about specific years, e.g., 1994, 1995, and 1996. Added language which authorizes Title III B funding for “4 succeeding years,” beginning with 2001.

303(a)(2) **No Change.**

303(b)(1) **Deleted/Added.** Deleted language about specific years, e.g., 1994, 1995, 1996, etc. Added language which authorizes Title III C-1 funding for “4 succeeding years,” beginning with 2001.

303(b)(2) **Deleted/Added.** Deleted language about specific years, e.g., 1994, 1995, 1996, etc. Added language which authorizes Title III C2 funding for “4 succeeding years,” beginning with 2001.

<u>303(b)(3)</u>	<u>Deleted.</u> Deleted section number and language that was for the old Subpart 3, relating to school-based meals for senior volunteers.
<u>303(c)</u>	<u>No Change.</u>
<u>303(c)(1) - (2)</u>	<u>No Change.</u>
<u>303(d)</u>	<u>Deleted/Added.</u> Deleted language that authorized funding for the old Part D, i.e., in-home services. Added language which authorizes funding for the new Part D, i.e., disease prevention and health promotion services.
<u>303(e)</u>	<u>Deleted.</u> Deleted section number and language that authorized funding for the old Part E, i.e., “special needs.”
<u>303(e)(1)</u>	<u>Added.</u> Added section number and language which authorizes funding for new Part E relating to “family caregiver support” of \$125 million for fiscal year 2001, if that amount, \$125 million, does not exceed the <i>aggregate</i> amount for Part B relating to supportive services, Part C1 relating to congregate nutrition services, Part C2 relating to home delivered nutrition services, and Part D relating to disease prevention and health promotion services, for fiscal year 2000.
<u>303(e)(2)</u>	<u>Added.</u> Added section number and language which continues to authorize funding for Part E for “4 succeeding years,” beginning with 2001.
<u>303(e)(3)</u>	<u>Added.</u> Added section number and language which authorizes funds <i>specifically</i> for (1) and (2).
<u>303(e)(3)(A)</u>	<u>Added.</u> Added section number and language which authorizes 4% for “Innovation Grants.”
<u>303(e)(3)(B)</u>	<u>Added.</u> Added section number and language which authorizes 1% for “Activities of National Significance.”
<u>303(f)</u>	<u>Deleted.</u> Deleted section number and language that authorized funding for the old Part F, i.e., periodic preventive health and health education and promotion services.
<u>303(g)</u>	<u>Deleted.</u> Deleted section number and language that authorized funding for the old Part G, i.e., supportive activities for caretakers.

SECTION 304 (42 USC 3024) ALLOTMENT TO STATES

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections

- 304(a)(1)** **Changed.** Changed language in (a)(1). It is now limited to the 1st part of the funding formula, i.e., each state will receive a percentage of funds proportional to its population.
- 304(a)(1)(A)** **Moved/Deleted.** Moved language to 304(a)(3)(A) for this part of the formula, i.e., that no state will receive less than ½ of 1 %. Deleted section 304(a)(1)(A).
- 304(a)(1)(B)** **Moved/Deleted.** Moved language to 304(a)(3)(B) for this part of the formula, i.e., Guam and the Virgin Islands will not receive less than ¼ of 1% and the Trust Territory of the Pacific Islands is no longer included in the Act. Deleted section 304(a)(1)(B).
- 304(a)(1)(C)** **Moved/Deleted.** Moved language to 304(a)(3)(C) for this part of the formula, i.e., American Samoa and the Commonwealth of the Northern Mariana Islands will not receive less than 1/16 of 1%. Deleted section 304(a)(1)(C).
- 304(a)(2)** **Moved/Added.** Moved language to 304(a)(3)(D) for this part of the formula. Added language which directs the Assistant Secretary in completing section (a)(1), i.e., determine each State's allotments by percentage. It then directs the Assistant Secretary to adjust the amounts outlined in the section, i.e., (a)(3)(A) below.
- 304(a)(3)** **Deleted.** Deleted section number and language which stated that no State shall be allotted, from the amount appropriated under section 3023(g) of this Title, less than \$50,000 for any fiscal year.
- 304(a)(3)(A)** **Added/Moved.** Added section number and language that each State will receive at least ½ of 1%. This language was moved from 304(a)(1)(A) to this new section.
- 304(a)(3)(B)** **Added/Moved.** Added section number and language that Guam and the Virgin Islands will receive at least ¼ of 1%. This language was moved from 304(a)(1)(B) to this new section.
- 304(a)(3)(C)** **Added/Moved.** Added section number and language that American Samoa and the Commonwealth of the Northern Mariana Islands will receive at least 1/16 of 1%. This language was moved from 304(a)(1)(C) to this new section.

<u>304(a)(3)(D)</u>	<u>Added/Moved.</u> Added section number and language which requires: <u>First</u> , each State will receive <u>at least</u> what it received in 2000. <u>Second</u> , all States will receive <u>at least</u> 20% of the percent of increase <i>above</i> the 2000 aggregate allotment. Part of this language was moved from 304(a)(2) to this new section.
<u>304(a)(4)</u>	<u>No Change.</u>
<u>304(a)(5)</u>	<u>Added.</u> Added section number and language which requires that States may be reduced proportionally in case of insufficient appropriations.
<u>304(b)</u>	<u>Changed.</u> Language changed to now include Part E, Family Caregiver – concerns the Assistant Secretary having the power to redistribute funds to other states in the event that a state cannot use all of its funds.
<u>304(c)</u>	<u>No Change.</u>
<u>304(d)(1)</u>	<u>No Change.</u>
<u>304(d)(1)(A)</u>	<u>No Change.</u>
<u>304(d)(1)(B)</u>	<u>No Change.</u>
<u>304(d)(1)(C)</u>	<u>No Change.</u>
<u>304(d)(1)(D)</u>	<u>No Change.</u>
<u>304(d)(2)</u>	<u>No Change.</u>
<u>304(e)</u>	<u>No Change.</u>

SECTION 305 (42 USC 3025) DESIGNATION OF STATE AGENCIES

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections

305(a)(1)	<u>No Change.</u>
305(a)(1)(A)	<u>No Change.</u>
305(a)(1)(B)	<u>No Change.</u>
305(a)(1)(C)	<u>No Change.</u>
305(a)(1)(D)	<u>No Change.</u>
305(a)(1)(E)	<u>Added.</u> Added language, “and older individuals residing in rural areas,” after “low income minority” – concerns criteria to be used for dividing the State into PSAs.
305(a)(2)(A)	<u>No Change.</u>
305(a)(2)(B)	<u>No Change.</u>
305(a)(2)(C)	<u>No Change.</u>
305(a)(2)(D)	<u>No Change.</u>
305(a)(2)(E)	<u>Added.</u> Added language, “and older individuals residing in rural areas,” after “low income minority” – concerns State assurances that preferences will be given to low-income minority...rural areas.
305(a)(2)(F)	<u>Changed.</u> Citation changed from 307(a)(24) to 307(a)(16).
305(a)(2)(G)(i)	<u>Added.</u> Added language, “and older individuals residing in rural areas,” after “low income minority” – concerns State assurances that it will, with the Area Agency on Aging (AAA), set specific objectives for each PSA to provide services to low income minority...rural areas.
305(a)(2)(G)(ii)	<u>Added.</u> Added language, “and older individuals residing in rural areas,” after “low income minority” – concerns the State undertaking specific program development, advocacy, and outreach efforts focused on low income minority older individuals and older individuals residing in rural areas.

305(b)(1)	<u>No Change.</u>
305(b)(2)	<u>No Change.</u>
305(b)(3)	<u>No Change.</u>
305(b)(4)	<u>No Change.</u>
305(b)(5)(A)	<u>No Change.</u>
305(b)(5)(B)	<u>No Change.</u>
305(b)(5)(C)	<u>No Change.</u>
305(b)(5)(C)(i)	<u>No Change.</u>
305(b)(5)(C)(i)(I)	<u>No Change.</u>
305(b)(5)(C)(i)(II)	<u>No Change.</u>
305(b)(5)(C)(i)(III)	<u>No Change.</u>
305(b)(5)(C)(i)(IV)	<u>No Change.</u>
305(b)(5)(C)(ii)(I)	<u>No Change.</u>
305(b)(5)(C)(ii)(II)	<u>No Change.</u>
305(b)(5)(C)(ii)(III)	<u>No Change.</u>
305(b)(5)(C)(ii)(IV)	<u>No Change.</u>
305(b)(5)(C)(ii)(V)	<u>No Change.</u>
305(b)(5)(C)(iii)(I)	<u>No Change.</u>
305(b)(5)(C)(iii)(II)	<u>No Change.</u>
305(b)(5)(C)(iv)	<u>No Change.</u>
305(c)(1)	<u>No Change.</u>
305(c)(2)	<u>No Change.</u>
305(c)(3)	<u>No Change.</u>

305(c)(4)	<u>No Change.</u>
305(c)(5)	<u>No Change.</u>
305(d)(1)	<u>No Change.</u>
305(d)(2)	<u>No Change.</u>
305(d)(3)	<u>No Change.</u>
305(d)(4)	<u>No Change.</u>

Section 306 (42 USC 3026) AREA PLANS

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

306(a)	<u>No Change.</u>
306(a)(1)	<u>Added.</u> Added language, “low income minority and older individuals residing in rural areas” – concerns the comprehensive and coordinated system of services.
306(a)(2)	<u>Changed.</u> <u>First</u> , citation changed from section 307(a)(22) to 307(a)(2). [307 is the State Plan section.] <u>Second</u> , this section (including the part after letter (C)) concerns <i>providing assurances</i> , AND <i>specifying annually</i> in the area plan, that an <u>adequate proportion</u> of the funding allocated for <u>priority</u> part B services will be expended. The new language does away with the requirement that AAAs specify annually, now they simply need to provide an assurance that they will <i>report to the State annually</i> . <u>Third</u> , they must still report in detail the amount of funds expended for the previous year in each category.
306(a)(2)(A)	<u>No Change.</u>
306(a)(2)(B)	<u>Deleted.</u> Deleted language concerning some of the services from this section: homemaker and home health aides, visiting and telephone reassurance, and chore maintenance...
306(a)(2)(C)	<u>Deleted/Added.</u> Deleted language concerning the requirement that AAAs specify, in the area plan, the <i>annual</i> funds for legal assistance, however, added language that the AAA must give an

assurance in the area plan that it will report during the fiscal year most recently concluded.

306(a)(3)(A) **Changed.** Citation changed from (6)(E)(ii) to (6)(C).

306(a)(3)(B) **No Change.**

306(a)(4) **Deleted.** Deleted section number and language which provided for the establishment and maintenance of the I&A meeting sufficient numbers of seniors access to services.

Note changes: **Deleted section numbers 306(a)(5)(A)(i-iii), B(i-ii) and (C) and re-numbered to 306(a)(4)(A)(i-iii), B(i-ii), and (C); language was changed in some sections.**

306(a)(5)(4)(A)(i) **Deleted/Added.** Deleted section number 306(a)(5)(A)(i) and re-numbered to 306(a)(4)(A)(i). Added language, “older individuals residing in rural areas” – concerns the assurances that the AAA will set specific objectives, including proposed methods for accomplishment, for providing services to those in the greatest *economic* and *social* need.

306(a)(5)(4)(A)(ii) **Deleted.** Deleted section number 306(a)(5)(A)(ii) and re-numbered to 306(a)(4)(A)(ii). There were no changes to the language.

306(a)(5)(4)(A)(ii)(I) **Deleted/Added.** Deleted section number 306(a)(5)(A)(ii)(I) and re-numbered to 306(a)(4)(A)(ii)(I). Added language, “older individuals residing in rural areas” – concerns *provider agreement* requirements to provide services, as to *how* the provider intends to provide services.

306(a)(5)(4)(A)(ii)(II) **Deleted/Added.** Deleted section number 306(a)(5)(A)(ii)(II) and re-numbered to 306(a)(4)(A)(ii)(II). Added language, “older individuals residing in rural areas” – concerns *provider agreement* requirements that provider will, to the maximum extent feasible, provide services, in accordance with the need for services, to older individuals residing in rural areas.

306(a)(5)(4)(A)(ii)(III) **Deleted/Added.** Deleted section number 306(a)(5)(A)(ii)(III) and re-numbered to 306(a)(4)(A)(ii)(III). Added language, “older individuals residing in rural areas” – concerns *provider agreement* requirements that providers meet specific objectives established by the AAA for older individuals residing in rural areas.

- 306(a)(5)(4)(A)(iii) Deleted.** Deleted section number 306(a)(5)(A)(iii) and re-numbered to 306(a)(4)(A)(iii). There were no changes to the language.
- 306(a)(5)(4)(B)(i) Deleted.** Deleted section number 306(a)(5)(B)(i) and re-numbered to 306(a)(4)(B)(i). There were no changes to the language.
- 306(a)(5)(4)(B)(i)(I) Deleted.** Deleted section number 306(a)(5)(B)(i)(I) and re-numbered to 306(a)(4)(B)(i)(I). There were no changes to the language.
- 306(a)(5)(4)(B)(i)(II) Deleted/Added.** Deleted section number 306(a)(5)(B)(i)(II) and re-numbered to 306(a)(4)(B)(i)(II). Added language “older individuals residing in rural areas” – concerns assurances that AAA outreach efforts will identify individuals eligible for assistance with emphasis on older individuals with greatest economic need, giving particular attention to low income minority individuals and older individuals residing in rural areas.
- 306(a)(5)(4)(B)(i)(III) Deleted/Added.** Deleted section number 306(a)(5)(B)(i)(III) and re-numbered to 306(a)(4)(B)(i)(III). Added language, “older individuals residing in rural areas” – concerns assurances that AAA outreach efforts will identify those older individuals with *social* needs who “reside in rural areas.”
- 306(a)(5)(4)(B)(i)(IV) Deleted.** Deleted section number 306(a)(5)(B)(i)(IV) and re-numbered to 306(a)(4)(B)(i)(IV). There were no changes to the language.
- 306(a)(5)(4)(B)(i)(V) Deleted.** Deleted section number 306(a)(5)(B)(i)(V) and re-numbered to 306(a)(4)(B)(i)(V). There were no changes to the language.
- 306(a)(5)(4)(B)(i)(VI) Deleted.** Deleted section number 306(a)(5)(B)(i)(VI) and re-numbered to 306(a)(4)(B)(i)(VI). There were no changes to the language.
- 306(a)(5)(4)(B)(ii) Deleted.** Deleted section number 306(a)(5)(B)(ii) and re-numbered to 306(a)(4)(B)(ii). There were no changes to the language.
- 306(a)(5)(4)(C) Deleted/Added.** Deleted section number 306(a)(5)(C) and re-numbered to 306(a)(4)(C). Added the language, “older individuals residing in rural areas” – concerns the AAA providing assurances that it will ensure that *its activities*, i.e., planning, advocacy and systems development will focus on older individuals “residing in rural areas.”

<u>306(a)(5)</u>	<u>Added.</u> Added new section number and language. The AAAs must now provide assurances that they will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, particularly individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities.
<u>306(a)(6)(A)</u>	<u>Deleted/Moved.</u> Deleted language concerning periodic evaluations, public hearings, and an annual evaluation of the effectiveness of outreach. Moved language from 306(a)(6)(C) to 306(a)(6)(A).
<u>306(a)(6)(B)</u>	<u>Deleted/Moved.</u> Deleted language concerning providing technical assistance to providers of supportive services and nutrition services or multipurpose senior centers in the PSA covered in the plan. Moved language from 306(a)(6)(D) to 306(a)(6)(B).
<u>306(a)(6)(C)(i)</u>	<u>Moved/Changed.</u> Moved language from 306(a)(6)(C) to 306(a)(6)(A). Moved language from 306(a)(6)(E)(i) to 306(a)(6)(C)(i) and changed the language as follows: “where possible, enter into arrangements with organization providing day care services for children, or adults, <u>assistance to older individuals caring for relatives who are children...</u> ”
<u>306(a)(6)(D)</u>	<u>Moved/Added.</u> Moved language from 306(a)(6)(D) to 306(a)(6)(B). Moved language from 306(a)(5)(F) to 306(a)(6)(D). Added language, “and older individuals residing in rural areas.”
<u>306(a)(6)(E)(i)</u>	<u>Moved.</u> Moved language from 306(a)(6)(H)(i) to 306(a)(6)(E)(i); there were no changes to the language.
<u>306(a)(6)(E)(ii)</u>	<u>Moved.</u> Moved language from 306(a)(6)(H)(ii) to 306(a)(6)(E)(ii); there were no changes to the language.
<u>306(a)(6)(F)</u>	<u>Moved.</u> Moved language from 306(a)(M) to 306(a)(6)(F); there were no changes to the language.
<u>306(a)(6)(G)</u>	<u>Deleted/Moved.</u> Deleted language. Moved language from 306(a)(6)(N) to 306(a)(6)(G); there were no changes to the language.
<u>306(a)(6)(H)</u>	<u>Moved/Deleted.</u> Moved language from 306(a)(6)(H) to 306(a)(6)(E). Deleted section number 306(A)(6)(H).

306(a)(6)(I)	<u>Moved/Deleted.</u> Moved language from 306(a)(6)(I) to 306(a)(6)(7) and (7)(A). Deleted section 306(a)(6)(I).
306(a)(6)(J)	<u>Deleted.</u> Deleted section number and language concerning unmet needs for abuse, neglect and exploitation of older individuals.
306(a)(6)(K)	<u>Moved/Deleted.</u> Moved language from 306(a)(6)(K) to 306(a)(7)(B) and (C). Deleted section 306(a)(6)(K).
306(a)(6)(L)	<u>Deleted.</u> Deleted section number and language concerning coordination of “adequate proportion” categories with community-based Alzheimer’s organizations.
306(a)(6)(M)	<u>Moved/Deleted.</u> Moved language from 306(a)(6)(M) to 306(a)(6)(F). Deleted section 306(a)(6)(M).
306(a)(6)(N)	<u>Moved/Deleted.</u> Moved language from 306(a)(6)(N) to 306(6)(G). Deleted section 306(a)(6)(N).
306(a)(6)(O)	<u>Deleted.</u> Deleted section number and language.
306(a)(6)(P)	<u>Moved/Deleted.</u> Moved language from 306(a)(6)(P) to 306(a)(10). Deleted section 306(a)(6)(P).
306(a)(6)(Q)	<u>Deleted.</u> Deleted section number and language concerning entering into voluntary arrangements with non-profit housing providers to provide leadership and coordination for adequate housing for seniors and provide non-financial assistance to seniors subject to eviction actions.
306(a)(6)(R)	<u>Deleted.</u> Deleted section number and language concerning listing AAA phone numbers in telephone directories.
306(a)(6)(S)	<u>Deleted.</u> Deleted section number and language concerning identifying transportation needs and describing methods the AAA will use to coordinate planning and delivery for seniors.
306(a)(7)	<u>Deleted/Moved.</u> Deleted language concerning assurances for the old Part D. Moved language from 306(a)(6)(I) to 306(a)(7) and reorganized.
306(a)(7)(A)	<u>Added/Moved.</u> Added new section (A). Moved language from 306(a)(6)(I) to 306(a)(7)(A) and reorganized.
306(a)(7)(B)	<u>Added/Moved.</u> Added new section (B). Moved language from 306(a)(6)(K) to 306(a)(7)(B) and reorganized.

306(a)(7)(C)	<u>Added/Moved.</u> Added new section (C). Moved language from 306(a)(6)(K) to 306(a)(7)(C) and reorganized.
306(a)(8)	<u>Deleted/Moved.</u> Deleted language concerning assurances for the old Part E. Moved language from 306(a)(20) to 306(a)(8); there were no changes made to the language.
306(a)(8)(A)	<u>Added/Moved.</u> Added new section (A). Moved language from 306(a)(20)(A) to 306(a)(8)(A); there were no changes made to the language.
306(a)(8)(B)	<u>Added/Moved.</u> Added new section (B). Moved language from 306(a)(20)(B) to 306(a)(8)(B); there were no changes made to the language.
306(a)(8)(C)	<u>Added/Moved.</u> Added new section (C). Moved language from 306(a)(20)(C)(i) and (ii) to 306(a)(8)(C).
<u>306(a)(8)(C)(i)</u>	<u>Added.</u> Added new section with new language concerning giving seniors a list of providers within the PSA.
<u>306(a)(8)(C)(ii)</u>	<u>Added.</u> Added new section with new language concerning giving each senior in (i) a statement of their right to choose a provider.
<u>306(a)(8)(C)(iii)</u>	<u>Added.</u> Added new section with new language that case managers will act as agents for the individual, not the agency providing the service.
306(a)(8)(C)(iv)	<u>Added/Moved.</u> Added new section (iv). Moved language from 306(a)(20)(C)(ii)(II) to 306(a)(8)(C)(iv).
306(a)(9)	<u>Deleted/Moved/Changed.</u> Deleted language concerning assurances for Part F. Moved language from 306(a)(11) to 306(a)(9); changed citation number and updated year.
306(a)(10)	<u>Deleted/Moved.</u> Deleted language concerning assurances for Part G. Moved language from 306(a)(6)(P) to 306(a)(10).
306(a)(11)	<u>Moved/Added.</u> – Moved language from 306(a)(11) to 306(a)(9). Added new language to 306(a)(11) which provides for specific assurances concerning services for Native Americans; more general provisions for Native Americans were contained in section 306(a)(19)(A) and (B).
306(a)(11)(A)	<u>Added/Moved.</u> Added new section (A). Added some new language, and moved some language from 306(a)(19)(A) to 306(a)(11)(A). Determine whether or not there are a significant

number of Native Americans and if so, assure that the AAA will pursue activities to increase access to programs for them.

- 306(a)(11)(B)** **Added/Moved.** Added new section (B). Moved language from 306(a)(18) to 306(a)(11)(B); no changes were made to the language.
- 306(a)(11)(C)** **Added.** Added new section (C) and new language concerning AAA assurances that it will make services available to Native Americans to the same extent that it makes services available to others.
- 306(a)(12)(A)-(C)** **Deleted/Added.** Deleted sections (A) - (C), and deleted language in (A) – (C) concerning providing an area volunteer services coordinator; enlist and encourage volunteers from volunteer groups; encourage and promote the use of older individuals as volunteers; promote the recognition of the contributions of volunteers to programs administered under the area plan. Added new language to 306(a)(12) regarding AAA establishment of procedures for coordination of services.
- 306(a)(13)(A)** **Deleted/Moved.** Deleted language in (A) concerning the description of ALL activities of the AAA, whether or not Federally funded. Moved language from 306(a)(14)(A) to 306(a)(13)(A); there were no changes made in the language.
- 306(a)(13)(B)(i-ii)** **Deleted/Moved.** Deleted language in (B)(i-ii) concerning assurances from the AAA that activities conform to responsibilities of the AAA noted in this subsection, and laws, regulations, and policies of the State. Moved language from 306(a)(14)(B)(i-ii) to 306(a)(13)(B)(i-ii) regarding AAA disclosures about contracts relating to the provisions of any services and the nature of the contracts; there were no changes to the language.
- 306(a)(13)(C)** **Added/Moved.** Added new section (C). Moved language from 306(a)(14)(C) to 306(a)(13)(C); there were no changes to the language.
- 306(a)(13)(D)** **Added/Moved.** Added new section (D). Moved language from 306(a)(14)(C) to 306(a)(13)(C); there were no changes to the language.
- 306(a)(13)(E)** **Added/Moved.** Added new section (E). Moved language from 306(a)(14)(D) to 306(a)(13)(D); there were no changes to the language.

- 306(a)(14)** **Moved.** Moved language from 306(a)(15) to 306(a)(14); there were no changes to the language.
- 306(a)(15)** **Moved.** Moved language from 306(a)(16) to 306(a)(15); there were no changes to the language.
- 306(a)(16)** **Moved.** Moved language from 306(a)(16) to 306(a)(15); there were no changes to the language.
- 306(a)(17)** **Deleted.** Deleted section number and language concerning assurances that AAA projects and services will reasonably accommodate those needing special diets due to *health* or *religious* requirements, or *ethnic* backgrounds.
- 306(a)(18)** **Moved/Deleted.** Moved language from 306(a)(18) to 306(a)(11)(B) concerning AAA assurances that it will coordinate services under Title III with services under Title VI. Deleted section 306(a)(18).
- 306(a)(19)(A)** **Moved/Deleted.** Moved some language in 306(a)(19)(A) to 306(a)(11)(A) concerning AAA assurances that it will increase outreach to Native Americans. Deleted section 306(a)(19)(A).
- 306(a)(19)(B)** **Deleted.** Deleted section number and language concerning the requirement that an AAA will specify the ways that it intends to increase outreach to Native Americans.
- 306(a)(20)** **Moved/Deleted.** Moved language from 306(a)(20) to 306(a)(8) concerning the AAA providing case management services. Deleted section 306(a)(20).
- 306(a)(20)(A)** **Moved/Deleted.** Moved language from 306(a)(20)(A) to 306(a)(8)(A) concerning not duplicating other Federal or State case management services. Deleted section 306(a)(20)(A).
- 306(a)(20)(B)** **Moved/Deleted.** Moved language from 306(a)(20)(B) to 306(a)(8)(B) concerning coordination of case management services. Deleted section 306(a)(20)(B).
- 306(a)(20)(C)(i)** **Moved/Deleted.** Moved language from 306(a)(20)(C)(i) to 306(a)(8)(C) concerning case management services provided by a public agency. Deleted section 306(a)(20)(C)(i).
- 306(a)(20)(C)(ii)** **Moved/Deleted.** Moved language from 306(a)(20)(C)(ii) to 306(a)(8)(C) concerning case management services provided by a non-profit agency. Deleted section 306(a)(20)(C)(ii).

- ~~306(a)(20)(C)(ii)(I)~~** **Deleted.** Deleted section number and language concerning the requirement to not have a conflict of interest with an entity providing other services under this Title.
- ~~306(a)(20)(C)(ii)(II)~~** **Moved/Deleted.** Moved language from 306(a)(20)(C)(ii)(II) to 306(a)(8)(C)(iv) concerning location in a rural area and obtaining a waiver. Deleted section 306(a)(20)(C)(ii)(II).
- ~~306(b)(4)~~** **Deleted/Added.** Deleted section number 306(b)(1) and re-numbered to section number 306(b). Retained language and added language, “and had conducted a timely public hearing upon request.”
- ~~306(b)(2)(A)-(D)~~** **Deleted.** Deleted these section numbers and language which concerned the details of the public hearing noted above...they have all been deleted making the public hearing process less prescriptive.
- 306(c)(1)** **No Change.**
- 306(c)(2)** **No Change.**
- 306(d)** **No Change.**
- 306(e)(1)** **No Change.**
- 306(e)(2)(A)** **No Change.**
- 306(e)(2)(B)** **No Change.**

SECTION 307 (42 USC 3027) STATE PLANS

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

- 307(a)** **Changed.** Substituted Assistant Secretary for Commissioner per 1993 US Code amendments.
- ~~307(a)(1-2)~~**
~~307(a)(1)(A-B)~~ **Deleted/Added/Moved.** Deleted section 307(a)(1) and (2). Added sections 307(a)(1)(A) and (B). Moved and rewrote language from 307(a)(1) and 307(a)(2) to 307(a)(1)(A) and (B). Section (A) requires each AAA to submit an area plan using a standard format issued by the state. Section (B) requires the state plan “be based on such area plans.”

- 307(a)(2)(A-B)** **Added/Moved/Added.** Added section 307(a)(2)(A) and (B). Moved and rewrote language from 307(a)(3)(A) and (B) to 307(a)(2)(A) and (B). In (A) added the word “uniform” to the section. The State must use uniform procedures as described in section 3012(a)(26) to the State’s evaluation of need for specific services, including supportive services, nutrition services, multipurpose senior centers, and information and assistance. Added “information and assistance” to the list of services which must be assessed. In (B) added section with requirement that the State develop a standardized process to determine the capacity of existing public and private programs (including private programs/organizations) and resources to meet current need.
- 307(a)(2)(C)** **Added/Moved/Changed.** Added section number and language in (C). Moved and changed language from 307(a)(22) to 307(a)(2)(C). Now requires each State agency to specify the minimum proportion (*rather than percentage*) of funds to be expended related to supportive services found in 3030(d) in absence of a specified waiver.
- 307(a)(3)(A)** **Moved/Changed.** Moved language from 307(a)(3)(A) to 307(a)(2)(A). Moved language from 307(a)(33) to 307(a)(3)(A). Changed and revised language.
- 307(a)(3)(B)(i-iii)** **Added/Changed/Deleted/Added.** Added sections (i), (ii), and (iii). Rewrote language. Deleted language referencing spending 105 percent of 1978 level expenditures for rural area programs, and replaced it with a requirement to spend no less than was spent in fiscal year 2000. Added language related to specific fiscal assurances required by States and includes a requirement to identify projected costs.
- 307(a)(4)** **Deleted/Added.** Deleted language relating to administration information requirements. Moved language from 307(a)(8) to 307(a)(4) requiring periodic evaluations of and public hearings on the effectiveness of services provided to those with the greatest economic and social needs, which includes low-income minority and older individuals residing in rural areas.
- 307(a)(5)(A)** **Added/Changed.** Added new section (A). Re-wrote language that was in section 307(a)(5) and moved to the new section (A). States must provide opportunities for public hearings, upon request by AAAs, service providers, and service provider applicants.

307(a)(5)(B)	<u>Added/Moved.</u> Added section (B). Moved language from 307(a)(43) to 307(a)(5)(B). Requires States to issue guidelines related to the development of grievance procedures [as required of AAAs under 306(a)].
307(a)(5)(C)	<u>Added.</u> Added section 307(a)(5)(C). Added new language that requires States to provide an opportunity for a public hearing, upon request, by AAA, services providers or service provider applicant or recipient of services related to any waiver requests per 3030c-3 (OAA 316).
307(a)(6)	<u>No Change.</u>
307(a)(7)(A)	<u>No Change.</u>
307(a)(7)(B)(i)-(iii)	<u>No Change.</u>
307(a)(7)(C)(i-v)	<u>Deleted.</u> Deleted section numbers and language regarding the State plan providing assurances to maintain the integrity and public purpose of services; disclosing nature of contractual relationships and all sources and expenditures of funds upon request of the Assistant Secretary.
307(a)(8)(A)(i-iii)	<u>Moved/Added/Moved.</u> Moved language from 307(a)(8) to 307(a)(14). Added sections (A)(i-iii); moved language from 307(a)(10) to 307(a)(8)(A)(i-iii). Section now establishes conditions for provision of direct services by States or AAAs.
307(a)(8)(B)	<u>Added.</u> Added section (B) and new language referencing that State Agencies and AAAs may continue to provide case management services if programs are already established.
307(a)(8)(C)	<u>Added.</u> Added section (C) and new language referencing that AAAs may provide services related to information and assistance services and outreach directly.
307(a)(9)	<u>Moved.</u> Moved language from 307(a)(9) to 307(a)(2)(A and B). Moved language from 307(a)(12) and 307(a)(21) to 307(a)(9); combined 1992 307(a)(12) and 307(a)(21), which establishes assurances related to the operation of the State Long-Term Care Ombudsman and use of funds.
307(a)(10)	<u>Moved/Changed.</u> Moved language from 307(a)(10) to 307(a)(8)(i-iii). Moved and changed language from 307(a)(29) and 307(a)(37) to 307(a)(10). The language was rewritten and now references that special needs of older individuals in rural areas be considered.

Stipulates that a description of how those needs will be met, including funding, are to be provided.

307(a)(11)
(A, B, C, D, E)

Deleted/Added/Moved. Deleted language in 307(a)(11) requiring merit employment considerations in state and local governments, that special consideration be giving to older individuals and those with specialized training in the field of aging for staff positions. Added sections (A), (B), (C), (D), and (E). Moved language from 307(a)(15) to 307(a)(11)(A-E) regarding legal assistance.

307(a)(12)
(A)(i-iv), (B), (C)

Moved/Added. Moved language from 307(a)(12) to 307(a)(9). Added section (A)(i-iv), (B) and (C). Moved language from 307(a)(16)(A)(i-iv), (B), and (C) to 307(a)(12)(A)(i-iv), (B), and (C) regarding prevention of abuse of older individuals.

307(a)(13)(A-M)

Deleted/Moved. Deleted language in 307(a)(13)(A-M) relating to nutrition services. *Now covered under section 339.* Moved language from 307(a)(18) to 307(a)(13).

307(a)(13)(A)

Moved/Deleted. Moved language to 339(2)(I) with no language change. Deleted section 307(a)(13)(A).

307(a)(13)(B)

Deleted. Deleted section number and language concerning “primary consideration to be given to provision of meals in a congregate setting”: C-2 provider not required to also do C-1 meals.

307(a)(13)(C)(i-ii)

Deleted. Deleted section number and language. Language is covered by 315(b)(4)(A-E) Voluntary Contributions. New text in 315(b)(4)(A-E) does not include the specific language that contributions are to be “used to increase the number of meals served. . . facilitate access to meals . . . and to provided other supportive services directly related to nutrition services.” Now reads “contributions to expand the service for which the contributions were given”.

307(a)(13)(D)

Moved/Changed/Deleted. Moved language to 339(2)(E) Deleted section number.

307(a)(13)(E)

Deleted. Deleted section number and language referencing that each project is to establish outreach activities.

307(a)(13)(F)

Moved/Changed/Deleted. Moved language to 339(2)(G). Deleted section number.

- 307(a)(13)(G)** **Moved/Changed/Deleted.** Moved language to 339(2)(A)(iii). Deleted section number.
- 307(a)(13)(H)** **Deleted.** Deleted section number and language concerning furnishing of HDM by providers with demonstrated ability. Section number deleted
- 307(a)(13)(I)** **Moved/Deleted.** Moved language to 339(2)(H). Deleted section number.
- 307(a)(13)(J)** **Deleted.** Deleted language and section number concerning nutrition education to be provided at least semi-annually. Partially covered by 331(3) and 339(2)(J).
- 307(a)(13)(K)** **Moved/Deleted.** Moved language to 339(2)(F). Deleted section number.
- 307(a)(13)(L)** **Moved/Changed/Deleted.** Moved language to 339(1). Deleted section number.
- 307(a)(13)(M)(i)** **Deleted.** Deleted section number and language concerning State agency to develop non-financial criteria for eligibility to receive nutrition services.
- 307(a)(13)(M)(ii)** **Deleted.** Deleted section number and language related to periodic evaluation of recipients of services to determine if they continue to meet such criteria.
- 307(a)(14)(A), (B)(i-ii), (C), (D), (E)** **Deleted/Added/Moved.** Deleted language in 307(a)(14)(A-E) which related to acquisition and operation of multipurpose senior centers; deleted sections 307(a)(14)(C-E). Added section (B)(i-ii); moved language from 307(a)(20)(A) and (B)(i-ii) to 307(a)(14)(A) and (B)(i-ii), relating to area plan identification of the number of low-income minority older individuals in the State, and description of the methods used to satisfy the service needs of such minority older individuals.
- 307(a)(15)(A), (B), (C), (D), (E)** **Moved/Deleted/Moved.** Moved language from 307(a)(15)(A-E) to 307(a)(11)(A-E); deleted sections (C-E). Moved language from 307(a)(23)(A-B) to 307(a)(15)(A-B).
- 307(a)(16)(A)(i, ii, iii, iv, v, vi), (B), (C)** **Moved/Added/Moved/Added.** Moved language from 307(a)(16)(A)(i-iv), (B), and (C) to 307(a)(12)(A)(i-iv), (B), and (C).

Added sections (A)(v, vi) to 307(a)(16)(A). Moved language from 307(a)(24)(A)(i-vi) to 307(a)(16)(A)(i-iv). This section now stipulates outreach efforts should target specific individuals such as those with greatest economic and social need, those living in rural areas, those with severe disabilities, and those with Alzheimer's disease or related disorders. Added the following language to (A)(ii), "*older individuals residing in rural areas,*" after low-income minority individuals.

- 307(a)(17)** **Deleted/Moved.** Deleted language in 307(a)(17) which related to the State providing in-service training opportunities for agencies and programs funded by the OAA. Moved language from 307(a)(25) to 307(a)(17) regarding assurances for older individuals with severe disabilities.
- 307(a)(18)(A-C)** **Moved/Added/Moved/Changed.** Moved language from 307(a)(18) to 307(a)(13). Added sections (A-C); Moved language from 307(a)(26)(A-C) to 307(a)(18)(A-C). Changed reference citation in 307(a)(18) from 306(a)(6)(I) to 306(a)(7).
- 307(a)(19)** **Deleted/Moved.** Deleted language in 307(a)(19) related to an assurance that AAAs will only contract with providers of education and training services that have the capacity to provide such services. Moved language from 307(a)(30) to 307(a)(19) regarding assurances and description required by section 701 (42 USC 3058(a)) relating authorization of appropriations.
- 307(a)(20)(A-B)** **Moved/Deleted/Moved.** Moved language from 307(a)(20) to 307(a)(14) related to assurances for limited English speaking older individuals. Deleted sections (A-B). Moved language from 307(a)(32) to 307(a)(20) regarding assurances for special efforts for technical assistance.
- 307(a)(21)(A)** **Moved/Added/Moved.** Moved language from 307(a)(21) to 307(a)(9) related to Ombudsman assurances. Added section (A). Moved language from 307(a)(34)(A) to 307(a)(21)(A) related to assurances under subchapter X.
- 307(a)(21)(B)** **Added/Moved/Changed.** Added section (B). Moved language from 307(a)(35)(A-B) to 307(a)(21)(B) related to assurances to increase access by older individuals who are Native Americans. Changed language by collapsing into one section.
- 307(a)(22)** **Moved/Changed.** Moved language from 307(a)(22) to 307(a)(2)(C) related to percentage of funds. Moved language from

307(a)(36) to 307(a)(22) relating to case management; changed reference citation to 306(a)(8).

- 307(a)(23)(A-B)** **Moved.** Moved language from 307(a)(23)(A-B) to 307(a)(15)(A-B) related to the plan identifying the number of low income minority older individuals in the State, and describing the methods used to satisfy the service needs of such minority older individuals. Moved language from 307(a)(41)(A-B) to 307(a)(23)(A-B) regarding assurances for coordinating services with other State services, and providing multigenerational activities.
- 307(a)(24)(A)(i-vi),
(B)** **Moved/Deleted/Moved.** Moved language from 307(a)(24) to 307(a)(16) related to assurances for outreach efforts. Deleted sections (A)(i-vi) and (B). Moved language from 307(a)(42) to 307(a)(24) relating to assurances to coordinate public services within the State for transportation.
- 307(a)(25)** **Moved.** Moved language from 307(a)(25) to 307(a)(17) related to assurances for older individuals with severe disabilities. Moved language from 307(a)(44) to 307(a)(25) regarding assurances that the State has a mechanism to provide in-home services.
- 307(a)(26)(A-C)** **Moved/Deleted/Moved.** Moved language from 307(a)(26)(A-C) to 307(a)(18)(A-C) regarding assurances that area agencies on aging will conduct efforts to facilitate coordination of community based, long-term care services, and deleted sections (A-C). Moved language from 307(a)(38) to 307(a)(26) regarding assurances that funds received under this subchapter will not be used to pay any part of a cost incurred to carry out a contract or commercial relationship that is not carried out to implement this subchapter.
- 307(a)(27)** **Deleted.** Deleted section number and language in 307(a)(27). The language had provided assurances for consultation and coordination of in home services.
- 307(a)(28)** **Deleted.** Deleted section number and language in 307(a)(28). The language had provided assurances related to special needs of older individuals.
- 307(a)(29)** **Moved/Deleted.** Moved some language to 307(a)(10). Deleted section number and language in 307(a)(29). The language had required a description of how services will be delivered to those in rural areas.

- 307(a)(30)** **Moved/Deleted.** Moved language from 307(a)(30) to 307(a)(19) related to assurances and description required by section 705 (42 USC 3058d(a)) regarding additional State Plan allotments. Deleted section number.
- 307(a)(31)(A)(i-v), (B)** **Deleted.** Deleted section number and language in 307(a)(31), which provided for a state volunteer services coordinator to provide technical assistance, coordinate services, etc., if 50 percent of area plans provide for local area volunteers coordinators.
- 307(a)(32)** **Moved/Deleted.** Moved language from 307(a)(32) to 307(a)(20) relating to assurances to provide technical assistance to minority providers of services. Deleted section number.
- 307(a)(33)(A-B)** **Moved/Deleted.** Moved language from 307(a)(33) to 307(a)(3)(A) relating to requirements in 305(d) (42 USC 3025(d)). Deleted section number.
- 307(a)(34)** **Moved/Deleted.** Moved language from 307(a)(34) to 307(a)(21)(A) relating to an assurance that the State agency coordinate programs. Deleted section number.
- 307(a)(35)(A-B)** **Moved/Deleted.** Moved language from 307(a)(35)(A-B) to 307(a)(21)(B) relating to an assurance that the State agency will pursue activities to increase access for Native Americans. Deleted section number.
- 307(a)(36)** **Moved/Deleted.** Moved language from 307(a)(36) to 307(a)(22) relating to provisions of 306(a)(8) for case management. Deleted section number.
- 307(a)(37)** **Moved/Deleted.** Moved language from 307(a)(37) to 307(a)(10) relating to actual and projected additional costs of providing services. Deleted section number.
- 307(a)(38)** **Moved/Deleted.** Moved language from 307(a)(38) to 307(a)(26) relating to assurances that funds received under this subchapter will not be used to pay any part of a cost incurred to carry out a contract or commercial relationship that is not carried out to implement this subchapter. Deleted section number.
- 307(a)(39)** **Deleted.** Deleted section number and language in 307(a)(39) which required an assurance that contracts would not be awarded on a preferential relationship.

307(a)(40)	<u>Deleted.</u> Deleted section number and language in 307(a)(40) which related to use of funds appropriated under section 303(g) (42 USC 3023(g)), which was also deleted.
307(a)(41)(A-B)	<u>Moved/Deleted.</u> Moved language from 307(a)(41) to 307(a)(23) relating to coordination of services with other State services. Deleted section number.
307(a)(42)	<u>Moved/Deleted.</u> Moved language from 307(a)(42) to 307(a)(24) relating to coordination of public services within the State for transportation. Deleted section number.
307(a)(43)	<u>Moved/Deleted.</u> Moved language from 307(a)(43) to 307(a)(5)(B) relating to guidelines for grievance procedures required by section 306(a)(10) (42 USC 3026(a)(10)). Deleted section number.
307(a)(44)	<u>Moved/Deleted.</u> Moved language from 307(a)(44) to 307(a)(25) relating to an assurance to provide quality in-home services. Deleted section number.
307(b)(1-2)	<u>No Change.</u>
307(c)(1-3)	<u>No Change.</u>
307(d)(1-3)	<u>No Change.</u>
307(e)(1-3)	<u>No Change.</u>
307(f)(1), (f)(2)	<u>Changed/Deleted.</u> Revised sections (f) and (f)(1) into one paragraph. Deleted section (f)(2) that related to disclosure of information in a referenced citation that has been deleted.

SECTION 308 (42 USC 3028) COST OF ADMINISTRATION OF STATE PLANS

**1992 OAA
sections:**

2000 Amendments to the 1992 OAA sections:

308(a)(1- 3)	<u>No Change.</u>
308(b)(1- 3)	<u>No Change.</u>

- 308(b)(4)(A)** **Changed.** Changed the percentage of funds from 30 percent to 40 percent that a State can transfer between 303(b) Authorization of Appropriations (1)(congregate) and (2) (home-delivered) of Part C (Nutrition Services) to meet the needs of the area served.
- 308(b)(4)(B)** **Deleted/Moved.** Deleted language referring to specific past years, and added “for any fiscal year”. Moved language from 308(b)(4)(B)(iii) pertaining to an additional 10 percent of funds to (4)(B) and added language citing 303(b). A waiver is needed before adding the 10% over the 40% in 308(b)(4)(A).
- 308(b)(4)(B)(i)** **Deleted.** Deleted language pertaining to additional 18 percent for FY 1993.
- 308(b)(4)(B)(ii)** **Deleted.** Deleted language pertaining to an additional 15 percent for FY 1994 and FY 1995.
- 308(b)(4)(B)(iii)** **Deleted/Changed.** Deleted language pertaining to an additional 10 percent for FY 1996. Changed the language and restructured as 308(b)(4)(B).
- 308(b)(4)(C)** **Added.** Added a new subparagraph which outlines specific requirements for a State when requesting a waiver under (B) to transfer funds.
- 308(b)(4)(C)(i)** **Added.** Added a new subparagraph that states that a waiver request can be no more than one page in length.
- 308(b)(4)(C)(ii)** **Added.** Added a new subparagraph that states that a waiver request must include a request that the waiver be granted.
- 308(b)(4)(C)(iii)** **Added.** Added a new subparagraph which states that a waiver request must specify the amount over the 40 percent referred to in 308(b)(4)(A).
- 308(b)(4)(C)(iv)** **Added.** Added a new subparagraph which states that a waiver should not be requested if provisions for Part C (Nutrition Services) would be jeopardized.
- 308(b)(5)(A)** **Deleted/Changed.** Deleted requirements pertaining to past years. Changed and rewrote (5)(A) to pertain to “any fiscal year”, and increased from the 20 percent in 1996 to 30 percent regarding the amount of funds that a State may transfer between Part B (Supportive Services) and Part C (Nutrition Services). The AoA must be notified of such transfer.
- 308(b)(5)(B)(i)** **Deleted.** Deleted language pertaining to past years.

308(b)(5)(B)(ii)	<u>Deleted.</u> Deleted language pertaining to past years.
<u>308(b)(5)(B)</u>	<u>Added.</u> Added language specifying the minimum information that the AoA notification of transfer in (5)(A) must include. This language was moved from 308(b)(5)(C).
308(b)(5)(C)	<u>Deleted/Moved.</u> Deleted language and moved requirements to 308(b)(5)(B). An AoA approval/denial was deleted when language was moved.
308(b)(6)	<u>No Change.</u>
308(b)(7)(A-D)	<u>No Change.</u>
308(c)	<u>No Change.</u>

SECTION 309 (42 USC 3029) PAYMENTS OF GRANTS OR CONTRACTS

OAA 1992 sections:	<u>2000 Amendments to the 1992 OAA sections:</u>
309	<u>No Change.</u>

SECTION 310 (42 USC 3030) DISASTER RELIEF REIMBURSEMENTS

OAA 1992 sections:	<u>2000 Amendments to the 1992 OAA sections:</u>
310(a)(1)	<u>Added.</u> Added “ <i>tribal organizations</i> ” to those entities (previously only States) that can receive grants for providing supportive services during times of disaster (as declared by the President).
310(a)(2)	<u>Added.</u> Added “ <i>such tribal organizations</i> ” after all States.
310(a)(3)	<u>Added.</u> Added “ <i>or such tribal organizations</i> ” after State.
310(b)(1)	<u>Added.</u> Added “ <i>and such tribal organizations</i> ” after States.

- 310(b)(2) **No Change.**
- 310(c) **Added.** Added “*or such tribal organizations*” after States.

SECTION 311 (42 USC 3030a) NUTRITION SERVICES INCENTIVE PROGRAM

1992 OAA section

2000 Amendments to the 1992 OAA sections:

- 311 **Changed.** Title changed to “Nutrition Services Incentive Program” from “Availability of Surplus Commodities”. Title more accurately describes the revised section content.
- 311(a) **Added.** Added language. Purpose of section is to provide incentives to encourage and reward the effective and efficient delivery of meals.
- 311(a)(1-3) **Moved/Deleted.** Moved language from 311 (a)(1-3) to 311(c)(1-3). No language changes. Section number deleted.
- 311(a)(4)(A)(i)(I-II) **Deleted.** Deleted section number and language on meal reimbursement rates.
- 311(a)(4)(B) **Moved/Deleted.** Moved language from 311(a)(4)(B) to 311(d)(4). Deleted section number.
- 311(b)(1-2) **Added.** Added language concerning Secretary of Agriculture to provide cash or commodities. Specifies that each State will get an amount “bearing the same ratio” to the total number of meals served the prior fiscal year. Meals served no longer reimbursed on per meal basis by the USDA.
- 311(c)(1-3) **Deleted/Moved.** Deleted some language referencing appropriations and the per meal reimbursement procedure by the USDA for specific fiscal years; moved some language to 311(e) with changes. Moved language from 311(a)(1-3) to 311(c)(1-3) with no text changes.
- 311(d)(1) **Moved/Added/Deleted.** Moved language from 311(d)(1) to 311(f)(1). Moved language from 311(b)(1) to 311(d)(1). Added language, “In any case in which a State elects to receive cash payments”. Deleted first sentence with some rewording of the second sentence.

311(d)(2)	<u>Moved.</u> Moved language from 311(d)(2) to 311(f)(2). Moved language from 311(b)(2) to 311(d)(2) with no text changes.
<u>311(d)(3)</u>	<u>Added/Moved/Deleted.</u> Added section number. Moved language from 311(b)(3) to 311(d)(3). No text changes.
<u>311(d)(4)</u>	<u>Added/Moved/Deleted.</u> Added section number. Moved language from 311(a)(4)(B) to 311(d)(4). Deleted the language. “meat, and meat alternatives”.
<u>311(e)</u>	<u>Added/Moved.</u> Added section number. Moved and changed language from 311(c)(1)(A) concerning, “sufficient funding for 4 succeeding years”.
<u>311(f)(1-2)</u>	<u>Added/Moved.</u> Added section number. Moved language from 311(d)(1-2) to 311(f)(1-2). No text changes.

SECTION 312 (42 USC 3030b) MULTIPURPOSE SENIOR CENTERS; RECAPTURE OF PAYMENTS

OAA 1992 sections:	<u>2000 Amendments to the 1992 OAA sections:</u>
312	<u>No Change.</u>

SECTION 313 (42 USC 3030c): AUDIT

OAA 1992 sections:	<u>2000 Amendments to the 1992 OAA sections:</u>
313	<u>No Change.</u>

SECTION 314 (42 USC 3030c-1) RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

OAA 1992 sections:	<u>2000 Amendments to the 1992 OAA sections:</u>
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SECTION 315 (42 USC 3030c-2) CONSUMER CONTRIBUTIONS**1992 OAA
sections:****2000 Amendments to the 1992 OAA sections:****315(a)(1)**

Added. Added new section that permits States to implement cost sharing for certain services.

315(a)(2)(A-D)

Added. Added new section that exempts the following from being able to implement cost sharing: I&A, outreach, benefits counseling, case management, ombudsman, elder abuse, legal assistance, consumer protection services, congregate and home-delivered meals, and any service delivered through tribal organizations.

315(a)(3)

Added. Added new section that does not permit cost sharing for any services delivered through tribal organizations, or by low-income individuals at or below the Federal poverty line. A State may exclude from cost sharing low-income individuals whose incomes are above the Federal poverty line. A State may not consider any assets, savings, or other property owned.

315(a)(4)

Added. Added new section that requires if a State permits cost sharing then it must establish a sliding fee scale based solely on income and the cost of delivering services.

315(a)(5)(A-G)

Added. Added new section which requires that if cost sharing is implemented, States and AAAs must protect the privacy and confidentiality of older individuals with respect to income which is to be determined by self-declaration, with no verification; establish appropriate procedures to safeguard and account for payments, use payments to expand the service, and not consider assets, savings or other property owned in determining whether cost sharing is permitted. In addition, there can be no denial of service for an individual's failure to pay. Materials must be widely distributed in languages reflecting the reading abilities of older individuals.

315(a)(6)(A-B)

Added. Added new section which states that AAAs may request a waiver if a significant proportion of persons have incomes below the

threshold established or if cost sharing would be an unreasonable administrative or financial burden.

315(b)(1-4)

Added. Added new section which states that voluntary contributions shall be allowed and may be solicited but must be non-coercive. It requires AAAs to consult with service providers and older individuals about the best method for accepting voluntary contributions. It prohibits means tests and the denial of service to any individual who does not contribute to the cost of the service. Contributions are to be used to expand the service for which the contribution is given. [Note: This requirements was previously in 307(a)(13)(c)(i) and (ii).]

315(c)(1-2)

Added. Added new section that requires States and AAAs develop plans designed to ensure that the participation of low-income individuals (with particular attention to low-income minority individuals) will not decrease with the implementation of cost sharing. In addition, in conducting public hearings on state and area plans, they shall solicit the view of older individuals, providers, and other stakeholders on the implementation of cost sharing.

315(d)

Added. Added new section that requires the AoA to annually conduct a comprehensive evaluation of cost sharing practices to determine the impact on participation rates. If a disparate impact upon low-income or minority older individuals is found, corrective action is authorized to be taken.

SECTION 316 (42 USC 3030c-3): WAIVERS

1992 OAA sections:

2000 Amendments to the 1992 OAA sections:

316(a)

Added. Added new section. Specifies the Assistant Secretary may waive any provisions (specified in subsection b) if the following conditions are met (and documented) in the application/proposal in (1), (2), (3), and (4) below.

316(a)(1)

Added. Added new section. Must establish that approval from the State legislature has to be obtained or is not required.

316(a)(2)

Added. Added new section. The State agency has collaborated with AAAs and other organizations affected by the waiver request.

- 316(a)(3)** **Added.** Added new section. A public hearing has been held and a summary of public review and comments are included in the proposal.
- 316(a)(4)** **Added.** Added new section. The State agency has given adequate consideration to the probable positive and negative consequences of the proposed waiver.
- 316(b)(1)** **Added.** Added new section. Specifies sections subject to a waiver request: 3025(305) Designation of State Agencies, 3026(306) Area Plans, and 3027(307) State Plans.
- 316(b)(2)** **Added.** Added new section. Any area plan requirement per section 3026a (306a) may be waived if granting the waiver will promote innovation or improve service delivery.
- 316(b)(3)** **Added.** Added new section. A State plan requirement in section 3027a (307a) may be waived if the waiver will promote innovation and improve service delivery.
- 316(b)(4)** **Added.** Added new section. A restriction under paragraph 5 of section 308(b), Cost of State Plans-Allotments, on the amount that may be transferred between programs carried out under parts B and C of Title III. *Note: Amount is currently 30%.*
- 316(b)(5)** **Added.** Added new section. The requirement of section 309(c), Reduction of State Allotment, of Title III relating to the reduction of expenditures under the State plan, as long as the non-federal share of expenditures is not reduced below specified minimum amounts.
- 316(c)** **Added.** Added new section. The State agency must include a recommendation for the duration of the requested waiver. The Assistant Secretary will specify the duration in granting a waiver.
- 316(d)** **Added.** Added new section. For any waiver requested, a report is due to the Assistant Secretary evaluating the impact of the waiver no later than one year after the waiver expires.

Part B – Supportive Services

SECTION 321 (42 USC 3030d) SUPPORTIVE SERVICES

1992 OAA sections:

2000 Amendments to the 1992 OAA sections:

321(a)	<u>No Change.</u>
321(a)(1)	<u>No Change.</u>
321(a)(2)	<u>Added.</u> Added language that allows transportation services which facilitate access to supportive services or nutrition services, in conjunction with other local transportation service providers. There were no deletions.
321(a)(3)	<u>No Change.</u>
321(a)(4)	<u>Changed.</u> Changed language to specify the name of the housing department (HUD) instead of citing the section of the law.
321(a)(5)(A-C)	<u>Changed/Added.</u> Changed by reorganizing language into sections (A), (B), and (C). Added language to include supportive activities of caregivers and caretakers in (5)(B); added “in-home services” in (5)(C).
321(a)(6) to 321(a)(11)	<u>No Change.</u>
321(a)(12)	<u>Added.</u> Added language which includes employment coordination with the Department of Labor and the Workforce Investment Act of 1998.
321(a)(13) and 321(a)(14)	<u>No Change.</u>
321(a)(15)	<u>Changed</u> reference citation from 3027(a)(16) to 3027(a)(12).
321(a)(16) to 321(a)(21)	<u>No Change.</u>
321(a)(22)	<u>Moved/Added.</u> Moved language to 321(a)(23). Added all new language to include in-home services for frail older individuals with neurological and organic brain dysfunction and their families; to include in-home services found in a State Plan and an area plan.

- 321(a)(23)** **Moved/Added.** Moved language from 321(a)(22) to 321(a)(23): “any other services.” Added minimal new language: “necessary for the general welfare of older individuals.”
- 321(b)(1), (2)** **No Change.**
- 321(c)** **Added.** Added new section with all new language to require AAAs to coordinate all supportive services with other providers; and adds coordination with intergenerational programs or projects.
- 321(d)** **Added.** Added new section with all new language to require that OAA funds received for supportive services must supplement those services. These funds cannot take the place of any other funding (supplant).

Part C – Nutrition Services

SUBPART 1 – CONGREGATE NUTRITION SERVICES

SECTION 331 (42 USC 3030e) NUTRITION SERVICES

- 1992 OAA sections:** **2000 Amendments to the 1992 OAA sections:**
- 331(1)** **No Change.**
- 331(2)** **Added.** Language added to include services shall be provided in *adult day care facilities and multigenerational meal sites.*
- 331(3)** **No Change.**

SUBPART 2 – HOME DELIVERED NUTRITION SERVICES PROGRAM

SECTION 336 (42 USC 3030f) PROGRAM AUTHORIZED

- OAA 1992 sections:** **2000 Amendments to the 1992 OAA sections:**
- 336** **No Change.**

SECTION 337 (42 USC 3030g) CRITERIA

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

337

No Change.

SUBPART 3 - SCHOOL BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS

Subpart 3 retained with new title, “General Provisions,” and new language, starting with section 339.

SECTION 338 (42 USC 3030g-11) ESTABLISHMENT

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

338(a), (b)

Deleted. Deleted section number and language concerning establishment of multigenerational programs.

SECTION 338A (42 USC 3030g-12) APPLICATION AND SELECTION OF PROVIDERS

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

338A(a), (b)

Deleted. Deleted section number and language concerning application and selection of providers.

SECTION 338B (42 USC 3030g-13) REPORTS

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

338B(a), (b) **Deleted.** Deleted section number and language. Language covered reports by States to the Assistant Secretary, which evaluate the projects carried out under this subpart.

SUBPART 4 – GENERAL PROVISIONS

Subpart 4 number and title deleted.

SUBPART 3 – GENERAL PROVISIONS

SECTION 339 (42 USC 3030g-21) COMPLIANCE WITH DIETARY GUIDELINES- NUTRITION

1992 OAA sections:

2000 Amendments to the 1992 OAA sections:

- 339(1)** **Moved/Deleted.** Language moved from 307(a)(13)(L) to 339(1). Solicits the advice of a dietitian or individual with comparable expertise in the planning of nutrition services. Deleted the language, “State agency will monitor nutrition services with the advice of a dietitian.”
- 339(2)(A)** **Moved.** Language moved from 339 to 339(2)(A). No text changes as it concerns compliance with the Dietary Guidelines.
- 339(2)(A)(i-ii)(I-III)** **Added/Moved.** Added sections (A)(i-ii)(I-III). Language moved from 339(1), (2)(A-C) concerning compliance with the dietary guidelines and Recommended Daily Allowance (RDA) to (A)(i-ii)(I-III).
- 339(2)(A)(iii)** **Added/Moved /Changed.** Added section (A)(iii). Language moved from 307(a)(13)(G) to (A)(iii). Language modified to state that meals are to be adjusted to meet special dietary needs to the maximum extent practicable and deleted language referencing religious requirements and ethnic background.
- 339(2)(B)** **Moved/Added.** Moved language from 339(2)(B) to 339(2)(A)(ii)(III). Language added concerning the flexibility to design meals that are appealing to participants.

- 339(2)(C)** **Moved/Added.** Moved language from 339(2)(C) to 339(2)(A)(ii)(III). Language added which limits amount of time meals can spend in transport before consumption.
- 339(2)(D)** **Added.** Added new section (D). Language added to encourage multigenerational meals.
- 339(2)(E)** **Added/Moved/Changed.** Added new section (E). Language moved from 307(a)(13)(D) concerning services to be provided in settings in close proximity to eligible participants as feasible. Deleted language, “and where appropriate transportation to sites is furnished.”
- 339(2)(F)** **Added/Moved.** Added new section (F). Language moved from 307(a)(13)(K) concerning compliance with health and safety laws.
- 339(2)(G)** **Added/Moved.** Added new section (G). Language moved from 307(a)(13)(F) concerning meal providers to carry out projects with the advise of dietitians (or individuals with comparable expertise) and other individuals knowledgeable of the needs of older individuals. Deleted the section number and language concerning person competent in the field of service in which the nutrition project is being provided.
- 339(2)(H)** **Added/Moved.** Added new section (H). Language moved from 307(a)(13)(I) to 339(2)(H) concerning the option to offer meals to volunteers providing services during meal service, and to individuals with disabilities who reside at home or accompany older individuals. Deleted section number.
- 339(2)(I)** **Added/Moved.** Added new section (I). Language moved from 307(a)(13)(A) concerning services to spouses; meals may be made available for disabled under 60 who reside in housing facilities occupied primarily by seniors.
- 339(2)(J)** **Added.** Added new section (J). Language added which provides for nutrition screening, and where appropriate, for nutrition education and counseling. Possible conflict with 331(3) which states, “may include nutrition education services and other appropriate nutrition services.”

SECTION 339A (42 USC 3030g-22) PAYMENT REQUIREMENT

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

339A

No change. Payments by the State or AAA for nutrition services cannot be reduced if NSIP funds are increased.

Part D – In-Home Services for Frail Older Individuals Disease Prevention and Health Promotion Services

Deleted Part D title, relating to In-home Services for Frail Older Individuals and deleted language in sections 341-344 (42 USC 3030h-3030k). Re-designated former Part F (42 USC 3030m and 3030n), relating to Disease Prevention and Health Promotion Services, as Part D.

SECTION 341 (3030h) PROGRAM AUTHORIZED

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

341

Deleted. Deleted section number and language. See section 321 (42 USC 3030d) – Supportive Services.

SECTION 342 (3030i) DEFINITION OF IN-HOME SERVICES

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

342-

Moved. Language moved to section 102(19) Definitions.

SECTION 343 (3030j) STATE CRITERIA

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

343

Deleted. Deleted section number and language. See section 321(a)(22) (42 USC 3030d) – Supportive Services.

SECTION 344 (3030k) MAINTENANCE OF EFFORT

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

344

Deleted. Deleted section number and language.

SECTION 351 (42 USC 3030i) PROGRAM AUTHORIZED

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

351

Deleted. Deleted section number and language relating to additional assistance for special needs of older individuals.

SECTION 361 (42 USC 3030m) PROGRAM AUTHORIZED

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

361

No Change.

SECTION 362 (42 USC 3030n) DISTRIBUTION TO AREA AGENCIES ON AGING

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

362

No Change.

SECTION 363 (42 USC 3030e) DEFINITIONS

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

363

Moved/Deleted. Language moved to section 102(12)(A)-(L) (42 USC 3001) Definitions with no change in language. Deleted section 363.

Part E – Additional Assistance for Special Needs of Older Individuals National Family Caregiver Support Program

Deleted Part E title, relating to Additional Assistance for Special Needs of Older Individuals and deleted language in section 351 (42 USC 3030I). Added a new Part E (42 USC 3030s to 3030s-2), relating to the National Family Caregiver Support Program.

SECTION 371 (42 USC 3030s) SHORT TITLE

**1992 OAA
sections**

2000 Amendments to the 1992 OAA sections:

371

Added. New short title.

Subpart I – Caregiver Support Program

SECTION 372 (42 USC 3030s) DEFINITIONS

**1992 OAA
sections**

2000 Amendments to the 1992 OAA sections:

372(1)

Added. New section which defines “child” as an individual who is not more than 18 years of age.

372(2)

Added. New section which defines “family caregiver” as an adult family member, or another Individual, who is an informal provider of in-home and community care to an older individual.

372(3)(A-C)

Added. New section which defines “grandparent or older individual who is a relative caregiver” as a grandparent, stepgrandparent, or a relative by blood or marriage, who is 60 years or older and who lives with the child, is the primary caregiver, and has a legal relationship to the child.

SECTION 373 (42 USC 3030s-1) PROGRAM AUTHORIZED

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

373(a)(1-2)

Added. New section provides that this program will supply support services to family caregivers and grandparents or older individuals who are relative caregivers.

373(b)(1-5)

Added. New section states that the support services provided by this program will include information about services, assistance to get services, individual counseling, respite care, and other supplemental services.

373(c)(1)(A-B)

Added. New section states the population served.

373(c)(2)

Added. New section states the priority for program services. Priority is given too older individuals with greatest social and economic need (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities. These priorities differ from other Title III programs, specifically the support to persons with mental retardation and related developmental disabilities.

373(d)

Added. New section requires AAAs to coordinate all program activities with other service providers.

373(e)(1-3)

Added. New section requires States to (1) establish quality standards and mechanisms to assure quality of services; (2) collect data and keep records in a standardized format specified by the AoA. These records are forwarded to the AoA for its monitoring of the programs when requested; and (3) submit reports on the data and records required in subparagraph (2) to the AoA, which will include information on the services funded under this program, and the standards required of the services.

- 373(f)(1)(A-C)** **Added.** New section specifies that caregiver allotments for fiscal years 2001-2005 are based on individuals 70 years or older in a State. Specifies that the AoA will determine a State's allotment based on Census demographic data.
- 373(f)(2)(A-C)** **Added.** New section specifies minimum allotments to States.
- 373(g)(1)** **Added.** New section specifies that funding for this program can be used for administration of area plans.
- 373(g)(2)(A-C)** **Added.** New section specifies that the federal cost for this program shall be 75%, and that a State can only use 10% of total funding to provide supplemental services for this program to grandparents and older individuals who are relative caregivers.

SECTION 374 (42 USC 3030s-2) MAINTENANCE OF EFFORT

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

- 374** **Added.** New section specifies that OAA funds received for the family caregiver support program must supplement those services. These funds cannot take the place of any other funding, i.e., supplant.

Subpart II – National Innovation Programs

SECTION 375 (42 USC 3030s-11) INNOVATION GRANT PROGRAM

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

- 375(a)** **Added.** New section authorizes a program of competitive grants to foster the development and testing of new approaches to sustaining the efforts of families and other informal caregivers.
- 375(b)** **Added.** New section provides for the evaluation of the effectiveness of these grants.
- 375(c)** **Added.** New section states that the National Innovation Program grants will be available for three fiscal years after November 13, 2000.

SECTION 376 (42 USC 3030s-12) ACTIVITIES OF NATIONAL SIGNIFICANCE

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

376(a)

Added. New section directs the AoA to carry out activities of national significance to promote quality and continued improvement in the family caregiver support program, either directly or by grant or contract, through program evaluation, training, technical assistance, and research.

376(b)

Added. New section states that these activities of national significance will be available for three fiscal years after November 13, 2000.

~~Part F – Disease Prevention and Health Promotion Services~~

Deleted Part F title relating to Disease Prevention and Health Promotion Services and moved language - section 361 and 362 (42 USC 3030m and 3030n) from Part F to Part D. Moved language in section 363 to 102(12)(A-L) (42 USC 3001) Definitions.

~~Part G – Supportive Activities for Caretakers Who Provide In-home Services to Frail Older Individuals~~

Deleted Part G title relating to Supportive Activities for Caretakers Who Provide In-home Services to Frail Older Individuals; deleted language in sections 381-383 (42 USC 3030p-r).

SECTION 381 (42 USC 3030p) PROGRAM AUTHORIZED

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

381 **Deleted.** Deleted section number and language. See Part E – National Family Caregiver Support.

SECTION 382 (42 USC 3030g) DEFINITIONS

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

382 **Deleted.** Deleted section number and language.

SECTION 383 (42 USC 3030g) MAINTENANCE OF EFFORT

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

383 **Deleted.** Deleted section number and language.

Title IV: Training, Research, and Discretionary Projects and Programs

Sections 401-432 (42 USC 3031-3033a)

Note: Title IV was not reviewed by the Committee nor included in this Resource Document because the California Department of Aging received no funds for this Title.

Title V: Community Service Employment for Older Americans

TITLE V – COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

In this text DOL means Secretary of the Department of Labor.

Section 501 Short Title (42 USC Subchapter IX) Community Service Employment for Older Americans

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

501

No Change.

Section 502 (42 USC 3056) Older American Community Service Employment Program

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

502(a)(1)

Moved/Added. Moved the language from 502(a) to 502(a)(1). Added new language to describe the program.

502(a)(2)

Added. Added a sentence indicating appropriations can only be used for this program. This is already a standard practice. No action needs to be taken.

502(b)(1)

Changed. Added “subject to section 514,” which refers to a new section called competitive requirements related to grant awards. Added, “of this section,” which does not change the meaning of the section. No action needs to be taken.

Changed. Changed the word “or” to the word “and” in the following phrase, “public ~~or~~ and private nonprofit agencies ~~or~~ and organizations.” No action needs to be taken.

Changed. Changed the words, “including national organizations,” to “State and national.” State organizations were added as entities

that can enter into agreements with the DOL. No action needs to be taken.

- 502(b)(1)(A)** **No Change.**
- 502(b)(1)(B)(i)** **Added.** This text was renumbered. No change to the text.
- 502(b)(1)(B)(ii)** **Added.** New language including tribal organizations as an entity that can provide services. Their clients served must include Indians residing on an Indian reservation. No action needs to be taken.
- 502(b)(1)(C)-(E), (F)(i)-(iii), and (G)** **No Change.**
- 502(b)(1)(H)** **Changed.** Included a phrase which means projects must coordinate with the one-stop delivery system. CDA is currently coordinating with one-stops.
- 502(b)(1)(I)** **No Change.**
- 502(b)(1)(J)** **Changed.** Added “and other.” Expanded the section to reflect existing practice to expand beyond community service jobs. No action needs to be taken.
- Changed.** Changed the word “individuals” to the word “persons,” which does not change the meaning of the section.
- 502(b)(1)(J)(i) and (ii)** **No Change.**
- 502(b)(1)(J)(iii)** **Changed.** Changed the word “individuals” to the word “persons,” which does not change the meaning of the section. No action needs to be taken.
- 502(b)(1)(K)-(M)** **No Change.**
- 502 (b)(1)(N)(i) (I), (II), and (III)** **Deleted/Changed.** Deleted section numbers (I), (II), and (III) and removed the text, “their physical capabilities,” which does not change the meaning of the section. The language was collapsed into one paragraph.
- Changed.** Removed text, “supportive,” “particular,” “or such capabilities prepared recently,” “Job Training Partnership Act (JTPA) (29 USC 1501 et seq.),” and “Applied,” which does not change the meaning of the section.

	<u>Changed.</u> Added text, “recently prepared,” “and,” “Workforce Investment Act (WIA) of 1998 (29 USC 2801 et seq.),” “of 1998,” and “or part A of title IV of the Social Security Act (42 USC 601 et seq.).”
502(b)(1)(N)(ii)	<u>Changed.</u> Added text, “and service strategy.” This is a change to the act, but it is already being required of projects through the latest revision of the regulations.
502(b)(1)(N)(iii)	<u>No Change.</u>
502(b)(1)(O)	<u>Changed.</u> Rewrote entire section and added language stating that participant services must be provided through the one-stop system, projects will be involved in the planning and operation of such system, and will have MOU with local workforce investment boards.
502(b)(1)(P)	<u>No Change.</u>
502(b)(1)(Q)	<u>Added.</u> New number and section added which indicates that information will be provided to the DOL regarding the Workforce Investment Act of 1998 (WIA), section 112(b), paragraphs 8 and 14.
502 (b)(1)(R)	<u>Added.</u> New number and section added which indicates that all grantees and subgrantees will receive administrative funds. Some national providers do not give administrative funds to their subgrantees, but CDA does, so no program change will need to be made.
502(b)(2)	<u>No Change.</u>
502(b)(3)	<u>Changed.</u> Removed text, “prime sponsors,” which does not change the meaning of the section.
502(b)(4)(A)	<p><u>Added/Changed.</u> Added section (A). Removed language which indicates that the DOL can enter into an agreement with the EPA to establish a Senior Environmental Employment Corps. No action needs to be taken.</p> <p><u>Changed.</u> Added language which indicates that an assessment or individual development plan completed by a Title V grantee will satisfy any condition for Title V participants to qualify for intensive or training services through the WIA.</p>

<u>502(b)(4)(B)</u>	<u>Added/Changed.</u> Added language which indicates that an assessment or individual development plan completed by WIA will satisfy eligibility requirements to enroll participants in Title V.
<u>502(c)(1)</u>	<u>Changed.</u> Added text, “a share, but” and “of this section,” which does not change the meaning of the section.
<u>502(c)(1)(A)-(B)</u>	<u>No Change.</u>
<u>502(c)(2)</u>	<u>No Change.</u>
<u>502(c)(3)</u>	<u>Changed.</u> Removed text, “1987 and each fiscal year thereafter.” Added text, “any fiscal year,” which does not change the meaning of the section.
<u>502(c)(3)(A)</u>	<u>Changed.</u> Removed text, “public or private nonprofit agency or organization.” Added text, “grantee,” does not change the meaning of the section.
<u>502(c)(3)(B)</u>	<u>Changed.</u> Removed text, “public or private nonprofit agency or organization.” Added text, “grantee,” which does not change the meaning of the section.
<u>502(c)(3)(B)(i), (ii), and (iii)</u>	<u>No Change.</u>
<u>502(c)(4), 502(c)(4)(A), and 502(c)(4)(A)(i)–(ix)</u>	<u>Added.</u> Added new sections and language that describes administrative costs and the functions associated with those costs.
<u>502(c)(4)(B)-(E)</u>	<u>Added.</u> Added new sections and language regarding costs of performing oversight and monitoring, costs of goods and services, travel costs, and costs of information systems related to administrative functions, respectively. No action needs to be taken.
<u>502(c)(5)</u>	<u>Added.</u> Added new section and language which indicates that projects will (to the extent practicable) pay for administrative costs associated with paragraph (4) from non-federal sources. <i>Note: It is not practical for these costs to be paid from non-federal sources.</i>
<u>502(c)(6)(A)</u>	<u>Added.</u> Added new section and language which indicates that funds not used for administrative costs shall be used for program

activities. This is already a standard practice. No action needs to be taken.

502(c)(6)
(A)(i)-(v)

Added. Added new section and language that describes program activities that are paid for with Title V funds. This is already a standard practice. No action needs to be taken.

502(c)(6)(B)

Added. Added new section and language which indicates that a minimum of 75 percent of Title V funds must be spent on enrollee wages and benefits. This is already a standard practice and is in the current Title V regulations. No action needs to be taken.

502(d)(1) and (2)

Deleted/Changed. Deleted the number (1) only, and changed the time frame from 30 days to 90 days prior to starting a project in which other grantees must notify AAAs to seek comments. Deleted section number (2) and all language. No action needs to be taken.

Changed. Removed text, “national organization or other program sponsor.” “Organization or program sponsor” was removed and the word “grantee” is used instead. Added the word “public,” which does not change the meaning of the section.

502(e)(1)

Changed. Removed the word “experimental.” Added the words, “to assure that placement and training,” and changed the reference from 506(a)(2)(A) to 506 (a)(1), which does not change the meaning of the section.

502(e)(2)

No Change.

502(e)(2)
(A)-(B)

No Change.

502(e)(2)(C)

Changed. Removed the reference, “section 124 of the JTPA (29 USC 1534),” which does not change the meaning of the section. Added the reference “title I of the WIA of 1998,” which does not change the meaning of the section.

502(e)(3)(A)

Deleted/Moved. Deleted the number and the language from this section was moved to 502(f). Indicates that the DOL shall carry out evaluations for program activities. No action needs to be taken.

502(e)(3)(B)

Deleted/Moved. Deleted the number and the language from this section was moved to 502(f). Indicates that DOL shall carry out evaluations for 502(e) program activities. No action needs to be taken.

- 502(e)(3)(C)** **Deleted.** Deleted the number and all language. Indicated that the DOL shall prepare a report on the evaluations to the President and the Congress for 502(e) and other program activities. No action needs to be taken.
- 502(e)(3)(D)** **Deleted.** Deleted the number and all language. Indicated that the above report will be available to private business. No action needs to be taken.
- 502(e)(4)** **Deleted/Moved.** Deleted the number and the language, but the language is included in 502(a)(1). The language describes eligible individuals. No action needs to be taken.
- 502(f)** **Added/Moved.** Added new number, but the language was moved from 502(e)(3)(A) and (B). Indicates that DOL shall carry out evaluations of project activities including 502(e) activities. No action needs to be taken.

SECTION 503 (42 USC 3056a) ADMINISTRATION

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

- 503(a)(1);
503(a)(1)(A),
(B), and (C);
503(a)(2)
503(a)(2)(A)-(C),
503(a)(3);
503(a)(4);
503(a)(4)(A)-(C);
503(a)(4)(C)(i)-(iii);
and 503(a)(4)(D)-
(F)** **Deleted/Added/Changed.** Deleted, added, and changed this section. The **old language** indicated that the DOL will consult and coordinate with the State and AAAs to carry out this program. The **new language** requires the State to submit a State Plan called, "State Senior Employment Services Coordination Plan". This section describes the groups that must be coordinated with to create the plan and all required elements of the plan.
- 503(a)(5) and
503(a)(5)(A)-(C)** **Added.** Added new sections and language which indicates that the Governor from each State can make recommendations to grant proposals regarding slot distribution.
- 503(a)(6)** **Added.** Added new section and language which indicates that States must attempt to avoid disruption in services while developing State plans. No action needs to be taken.

<u>503(a)(7)(A)</u>	<u>Added.</u> Added new section and language which indicates that the DOL will review the plan and make a written determination. No action needs to be taken.
<u>503(a)(7)(B)</u>	<u>Added.</u> Added new section and language which indicates that the DOL can review the distribution of slots in a state at any time. No action needs to be taken.
<u>503(a)(8)</u>	<u>Added.</u> Added new section and language which indicates that grantees serving older American Indians are exempt from submitting a State plan. No action needs to be taken.
<u>503(b)(1)</u>	<p><u>Moved/Changed.</u> Rewrote this section to update it with new references and then moved three long sentences at the end of 503(b)(1) to 503(b)(2). No action needs to be taken.</p> <p><u>Changed.</u> Removed the language “assisted” and “with programs authorized under the JTPA, the Community Services Block Grant Act, and the Vocational Education Act (VEA) of 1984.” Added the language “of Labor and the Assistant Secretary,” and “the programs under other titles of the Act to increase job opportunities available to older individuals.” No action needs to be taken.</p>
<u>503(b)(2)</u>	<p><u>Moved/Changed.</u> Moved the old language from 503(b)(2) to 503(b)(3). Removed the following references from the new language: “titles III, IV, and VI by the Commissioner,” “VEA of 1984,” “Act may,” and “JTPA,” No action needs to be taken.</p> <p><u>Changed.</u> Added new language, “other titles of this Act by the Assistant Secretary,” “title shall,” “to carrying out section 512,” and language stating that DOL will coordinate the program other programs under six other Acts. The Title V Team already coordinates with the six Acts listed. No action needs to be taken.</p>
<u>503(b)(3)</u>	<u>Added/Moved.</u> Added new section and moved old language from 503(b)(2) to 503(b)(3). No change other than the move.
<u>503(c)-(e)</u>	<u>No Change.</u>
<u>503(f)(1)</u>	<u>Deleted/Added.</u> Deleted old language and renumbered the section 503(f)(1). The old language indicated that the DOL may fund and expand projects concerning the Senior Environmental Employment Corporation (SEEC) and energy conservation. No action needs to be taken.

Added. Added new language which indicates that the DOL shall monitor projects to ensure compliance with this title and regulations issued under this title. No action needs to be taken.

503(f)(2) **Added.** Added new section and language which indicates that grantees will comply with applicable rules of the Office of Management and Budget. This is already a standard practice. No action needs to be taken.

503(f)(3) **Added.** Added new section and language which indicates that grantees shall submit program and financial reports to the DOL regarding activities under this title. The Title V Team already submits a bi-annual progress report and a quarterly financial status report to the DOL. No action needs to be taken.

503(f)(4) and 503(f)(4)(A)-(C) **Added.** Added new sections and language which indicates that grantees will maintain program and fiscal records. This is already a standard practice. No action needs to be taken.

503(g) **Added.** Added new section and language which indicates that the DOL shall establish through regulation and implement a process to evaluate the performance of grantees. Two performance measures currently required by the DOL do not currently impose any sanctions if the goals are unmet. The Title V program is currently meeting these goals.

SECTION 504 (42 USC 3056b) PARTICIPANTS NOT FEDERAL EMPLOYEES

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

504(a) and (b) **No Change.**

SECTION 505 (42 USC 3056c) INTERAGENCY COOPERATION

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

505(a) **Changed.** Removed "Commissioner." Added "Assistant Secretary for Aging in the Department of Health and Human Services," which does not change the meaning of the section.

- 505(b)** **No Change.**
- 505(c)(1)** **Added/Changed.** Deleted old language and renumbered 505(c)(1). The old language indicated that when administering projects concerning the SEEC and energy conservation there must be consultation with the Environmental Protection Agency and the Secretary of Energy. Added language that the Senior Community Service Employment Program (SCSEP) must work with the WIA and one-stops.
- 505(c)(2)** **Added/Changed.** Added section 505(c)(2) and the following language: “workforce investment activities” and “of 1998.” Removed “employment and training programs,” “Applied,” and “(20 USC 2301 et seq.),” which does not change the meaning of the section.
- 505(d)(1) and (2)** **Deleted/Moved.** Deleted the sections and all language was moved to 505(c)(1) and (2).

SECTION 506 (42 USC 3056d) DISTRIBUTION OF ASSISTANCE

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

- 506 (a)(1)(A);**
~~(B)(i)(I)-(III);~~
~~(B)(ii)-(iii);~~
~~(B)(iii)(I)-(II);~~
~~(B)(iv)(I)-(II);~~
~~(B)(v); (C);~~
506(a)(2)(A)-(B);
506(a)(3);
~~506(a)(4)(A)-(C);~~
506(b);
506(c); (c)(1);
~~(c)(2)(A)-(B);~~
~~(c)(3)(A)-(C);~~
506(d); (d)(1);
(d)(2)(A)-(B);
(d)(3);
506(e); 506(e)(1);
(e)(2)(A)-(B);
(e)(3);
- Deleted/Added/Changed.** This section deletes sections as well as moves, changes, and adds text. It is easier to just state the whole section and indicate if changes need to be made to the program. Indicates how the DOL will distribute funds to State and national organizations operating this program. 1.5 percent of funds will be reserved for agreements under section 502(e) to work with for profit agencies. Funds will be reserved for National providers of Indian, Pacific Islander, and Asian organizations. Funds will be maintained at the 2000 level of activities or an amount proportionate to this level. Funds in excess of the 2000 level UP TO \$35,000,000, shall be divided 75 percent to states and 25 percent to national organizations. Funds in excess of the 2000 level OVER \$35,000,000 shall be divided 50 percent to states and 50 percent to national organizations. This section also contains definitions of some terms. No action needs to be taken.

506(f)(1)-(3);
506(g)(1);
(g)(1)(A)-(C); (g)(2);
(g)(2)(A)-(B);
and (g)(3)-(6)

SECTION 507 (42 USC 3056e) EQUITABLE DISTRIBUTION

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

507(1)-(4)(a)-(b) **Deleted/Moved/Added.** Section numbers were deleted. Renumbered the section 507(a) and (b). The language moved to section 516. This old language listed the definition of several terms. Section (a) lists new language indicating that the DOL shall take the equitable distribution of slots into consideration when allocating funds. Section (b) lists new language indicating that the DOL shall take the State's plan into consideration when allocating funds. No action needs to be taken.

SECTION 508 (42 USC 3056f) REPORT

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

508(a), (a)(1) – (2), and (b) **Deleted/Moved/Added.** Renumbered the section 508. Deleted all language and moved it to section 515. Old language indicated the allocations for FY 92 – 95 and stated that 60-day extensions beyond the FY may be granted to spend funds. No action needs to be taken.

Added new language indicating that the DOL shall require States to submit a report at the beginning of each fiscal year indicating compliance with section 507(b).

SECTION 509 (42 USC 3056g) EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

509

No Change

SECTION 510 (42 USC 3056h) ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

510

Changed. Deleted text, “JTPA” and “shall.” Added text, “WIA” and “may.”

SECTION 511 (42 USC 3056i) TREATMENT OF ASSISTANCE

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

511

No Change

SECTION 512 (42 USC 3056j) COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

512(a)

Added. New section and language which states that SCSEP grantees shall be one-stop partners as described in the WIA of 1998. No action needs to taken.

512(b)

Added. New section and language which states that in areas where there is more than one SCSEP grantee, signatures of each grantee shall be included in one MOU with the WIA.

SECTION 513 (42 USC 3056k) PERFORMANCE

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

- 513(a)(1)** **Added.** New section and language which states that performance measures for the SCSEP shall be established for each grantee. The DOL will establish the performance measures. No action needs to be taken.
- 513(a)(2)(A)** **Added.** New section and language which states that indicators and levels of performance shall be established to promote continuous improvement. The DOL will establish the performance measures. No action needs to be taken.
- 513(a)(2)(B)** **Added.** New section and language which states that performance indicators shall only be adjusted due to high rates of unemployment, downturns in the economy, and significant numbers of enrollees with barriers to employment.
- 513(a)(2)(C)** **Added.** New section and language which establishes an unsubsidized placement rate of 20 percent. This placement rate is the same in the old regulations.
- 513(a)(3)** **Added.** New section and language which states that a national performance measure will be established and measured for public or private nonprofit agencies based on section 514(e)(1) and (e)(3), which will be mentioned in those respective sections below. No action needs to be taken.
- 513(a)(4)** **Added.** New section and language which states that a national performance measure will be established and measured for state agencies based on section 514(f), which will be mentioned in that section below. No action needs to be taken.
- 513(a)(5)** **Added.** New section and language states that all grantees shall agree to be evaluated on the performance measures. No action needs to be taken.
- 513(b)(1)-(5)** **Added.** New section and language which states the required indicators of service which are: the number of persons served with consideration given to: individuals with greatest economic need, greatest social need, poor employment history, individuals 60 and over; community services provided; placement and retention in unsubsidized employment; satisfaction of all parties; and any additional indicators that the DOL determines appropriate to add.
- 513(c)(1)** **Added.** New section and language which states that the DOL will issue definitions of the performance indicators described in 513(b)(1)-(b)(5) by regulation. No action needs to be taken.

- 513(c)(2)(A)** **Added.** New section and language which describes unsubsidized employment as a placement lasting for 30 days within a 90-day period.
- 513(c)(2)(B)** **Added.** New section and language which describes retention in unsubsidized employment as a placement lasting six months after the start date of unsubsidized employment.
- 513(d)** **Added.** New section and language which indicates that States or other grantees that do not meet performance measures will have to submit a corrective action plan to the DOL.

SECTION 514 (42 USC 3056I) COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS

In this text a “national grantee” or “public or private non-profit agency or organization” refers to a grantee that operates a SCSEP in more than one State or an organization other than the State. CDA does not fall under this definition.

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

- 514(a)** **Added.** New section and language which states that the DOL will award one-year grants until regulations are established for performance measures. After regulations are established, grants will not exceed three years. No action needs to be taken.
- 514(b)** **Added.** New section and language which states that section 502(b)(1), (c), and (d) describe applicants eligible to receive SCSEP funds. States do not compete in a competitive application. No action needs to be taken.
- 514(c)(1)-(7)** **Added.** New section and language which describes the criteria used to select an applicant to receive SCSEP funds which are: the applicant’s ability to serve individuals with greatest economic need, greatest social need, poor employment history, individuals 60 and over; provide employment in communities that participants reside; placement and retention in unsubsidized employment; retention in unsubsidized employment for individuals with multiple barriers to employment; coordination with other organizations; fiscal management of the program; and any additional indicators that the DOL determines appropriate to add. States do not compete in a competitive application. No action needs to be taken.

- 514(d)(1)** **Added.** New section and language which states that DOL will review available records to assess an applicant's responsibility to administer federal funds. No action needs to be taken.
- 514(d)(2)** **Added.** New section and language which states that the DOL may consider any information stated in 514(d)(1) to review an applicant. No action needs to be taken.
- 514(d)(3)** **Added.** New section and language which states that a project may not be considered responsible if certain fiscal tests described in section 514(b)(4) are not met. CDA is financially responsible. No action needs to be taken.
- 514(d)(4)(A)-(N)** **Added.** New section and language which describes the unacceptable fiscal tests which are: the inability to recover debts; fraud or criminal activity of a significant nature; failure to maintain a financial management system; willful obstruction of the audit process; failure to meet performance measures; failure to correct deficiencies; failure to complete grant closeout within 90 days of the grant expiration unless an extension is granted; failure to submit required reports; failure to inventory property; failure to monitor excess cash on hand; failure to comply with OMB A-133; failure to audit AAAs; egregious disallowances in excess of five percent; and failure to resolve an AAA audit in a timely manner.
- 514(e)(1)** **Added.** New section and language which states the DOL will determine that a national grantee has met performance measures no later than 120 days after the end of the program. No action needs to be taken.
- 514(e)(2)(A)** **Added.** New section and language which states that a national grantee that does not meet performance measures in a program year will receive technical assistance from the DOL and must submit a Corrective Action Plan (CAP) no later than 160 days after the program year. No action needs to be taken.
- 514(e)(2)(B)** **Added.** New section and language which states that the national grantee CAP shall describe the steps to ensure performance measures will be met in the next year. No action needs to be taken.
- 514(e)(2)(C)** **Added.** New section and language which states that the second consecutive year of failure to meet performance measures by a national grantee will result in 25 percent of that grantee's funding

for the following year's to be put out for a national competitive bid. No action needs to be taken.

514(e)(2)(D)

Added. New section and language which states that the third consecutive year of failure to meet performance measures by a national grantee will result in the balance of that grantee's funding (after the initial 25 percent has been put out for a national competitive bid) for the following year to be put out for a national competitive bid. No action needs to be taken.

514(e)(3)(A)

Added. New section and language states that the DOL shall take corrective action if a public or private nonprofit agency or organization has attained performance levels 20 percent or more below national performance measures in a state and has failed to meet the established performance measures for the state grantee. No action needs to be taken.

514(e)(3)(B)

Added. New section and language states that if a public or private nonprofit agency or organization does not meet performance measures in a program year [as described in 514(e)(3)(A)] then the DOL may have the responsibility for the project transferred to another grantee, will provide technical assistance, and take other appropriate actions. No action needs to be taken.

514(e)(3)(C)

Added. New section and language which states that a public or private nonprofit agency or organization that does not meet performance measures for a second consecutive program year [as described in 514(e)(3)(A)] may have the responsibility for the project transferred to another grantee or lose all or a portion of funds to a competitive bid to all eligible entities. No action needs to be taken.

514(e)(3)(D)

Added. New section and language which states that a public or private nonprofit agency or organization that does not meet performance measures for a third consecutive program year [as described in 514(e)(3)(A)] shall lose all funds to a competitive bid to all eligible entities. No action needs to be taken.

514(e)(4)

Added. New section and language which states that upon the request of the Governor of a state, a review of the performance of a public or private nonprofit agency or organization shall be conducted by the DOL. If the grantee's performance is not justified, the DOL shall take corrective action [as described in 514(e)(3)(A)]. No action needs to be taken.

514(f)(1) **Added.** New section and language which states that the DOL shall determine if a state grantee has met performance measures no later than 120 days after the end of the program year.

514(f)(2) **Added.** New section and language which states that a state grantee that does not meet performance measures in a program year will receive technical assistance from the DOL and must submit a Corrective Action Plan (CAP) no later than 160 day after the program year.

Note: The SCSEP Team will have to develop a system to ensure a CAP is submitted if necessary.

514(f)(3) **Added.** New section and language which states that the state grantee CAP shall describe the steps to ensure performance measures will be met in the next year.

514(f)(4)(A) **Added.** New section and language which states that the second consecutive year of failure to meet performance measures by a state grantee will result in 25 percent of that grantee's funding for the following year's to be put out for a competitive bid.

514(f)(4)(B) **Added.** New section and language which states that the third consecutive year of failure to meet performance measures by a state grantee will result in the grantee's funding for the following year being put out for a competitive bid.

SECTION 515 (42 USC 3056m) AUTHORIZATION OF APPROPRIATIONS

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

515(a)(1) **Added/Moved.** New section. Moved old language from section 508(a), (a)(1) – (2), and (b) to this section. Lists the allocation for FY 2001, and if necessary, for FY 2002-2005, which is \$475,000. No action needs to be taken.

515(a)(2) **Added.** New section and language which states that funds may be necessary for each fiscal year to provide at least 70,000 part-time positions for eligible individuals. Part-time position means "20 hours a workweek". No action needs to be taken.

515(b) **Added.** New section and language which states that the fiscal year shall be July 1 through June 30. DOL may grant extensions if necessary. No action needs to be taken.

515(c)(1)-(3) **Added.** New section and language which states that unspent funds may be recaptured by the DOL and reobligated to grantees within the two succeeding fiscal years for incentive grants, technical assistance, or for any other program under this title. No action needs to be taken.

SECTION 516 (42 USC 3056n) DEFINITIONS

**OAA 1992
sections:**

2000 Amendments to the 1992 OAA sections:

516(1) **Added/Moved.** New section and language which moved old language from section 507(1) – (4) to this section. States that the term “community service” means social, health, welfare, and educational services; legal and other counseling services and assistance; and other services essential and necessary to the community; etc. No action needs to be taken.

516(2) **Added.** New section and language which states that the term “eligible individual” means an individual who is 55 years old or older and who has an income that is not more than 125 percent of the poverty level. Any such individual 60 years old and older shall have priority for work opportunities under this title. No action needs to be taken.

516(3) **Added.** New section and language which states that the term “Pacific Island and Asian Americans” means Americans having origins in the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. No action needs to be taken.

516(4) **Added.** New section and language which states that the term “program” means the older American community service employment program established under this title. No action needs to be taken.

Title VI: Grants for Native Americans

Sections 601-643 (42 USC 3057-3057n)

Note: Title VI was not reviewed by the Committee nor included in this Resource Document because the California Department of Aging received no funds for this Title.

Title VII: Allotments for Vulnerable Elder Rights Protection Activities

Subtitle A – State Provisions

Chapter 1 – General State Provisions

SECTION 701 (42 USC 3058) ESTABLISHMENT

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

701

No Change.

SECTION 702 (42 USC 3058a) AUTHORIZATION OF APPROPRIATIONS

OAA 1992
sections:

2000 Amendments to the 1992 OAA sections:

702(a-c)

Changed. Changed the reauthorization levels for ombudsman, elder abuse prevention, and legal assistance development programs to “such sums as may be necessary for subsequent fiscal years”, rather than setting specific appropriation amounts in the authorizing legislation.

~~702(d)~~

Deleted. Deleted section 702(d), which referred to appropriations to the Outreach, Counseling, and Assistance Program in Chapter 5 of this part. Chapter 5 was repealed.

SECTION 703 (42 USC 3058b) ALLOTMENT

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

703(a)(1)	<u>No Change.</u>
703(a)(2)(A)	<u>No Change.</u>
703(a)(2)(B)((i and ii)	<u>No Change.</u>
703(a)(2)(C)(i and ii)	<u>Changed.</u> Changed the minimum allocation provisions for ombudsman and elder abuse programs by updating the maintenance of financial effort criteria from the baseline amounts allocated in FY 1991 to the amounts allocated in FY 2000.
703(a)(2)(D)	<u>No Change.</u>
703(b)(1 and 2)	<u>No Change.</u>
703(c)	<u>No Change.</u>

SECTION 704 (42 USC 3058c) ORGANIZATION

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

704	<u>No Change.</u>
704(1-3)	<u>No Change.</u>

SECTION 705 (42 USC 3058d) ADDITIONAL STATE PLAN REQUIREMENTS

OAA 1992 Sections:

2000 Amendments to the 1992 OAA sections:

705(a)	<u>No Change.</u>
705(a)(1-3)	<u>No Change.</u>

705(a)(4)	<u>Changed/Added.</u> Changed the language from “date of the enactment of this subtitle” to “September 30, 1992” as the date after which funding for “each of” the activities described in this subpart will not be supplanted. Added the language, “each of,” to clarify that supplanting of funds does not take place between programs under this subtitle.
705(a)(5)	<u>No Change.</u>
705(a)(6)	<u>No Change.</u>
705(a)(6)(A)	<u>No Change.</u>
705(a)(6)(A)(i-iv)	<u>No Change.</u>
705(a)(6)(B)	<u>No Change.</u>
705(a)(6)(C)	<u>No Change.</u>
705(a)(6)(C)(i-ii)	<u>No Change.</u>
705(a)(6)(C)(iii)	<u>Changed.</u> The language was changed by adding “and” at the end of the text, because (a)(7) is the last section.
705(a)(7)	<u>Deleted/Moved/Changed.</u> Deleted the existing language regarding funding priorities, application criteria, and reporting requirements for the Outreach, Counseling, and Assistance Program in Chapter 5 of this part. Chapter 5 was repealed. Moved from 705(a)(8) the language that requires the State agency to provide a description of how this Chapter will be carried out, and revised the language to apply to the previous paragraphs (1) through (6), rather than (1) through (7).
705(a)(7)(A)	<u>Deleted.</u> Deleted section 705(a)(7)(A), which related to repealed Chapter 5.
705(a)(7)(A)(i and ii)	<u>Deleted.</u> Deleted sections 705(a)(7)(A)(i), (ii), which related to repealed Chapter 5.
705(a)(7)(B)	<u>Deleted.</u> Deleted section 705(a)(7)(B), which related to repealed Chapter 5.
705(a)(7)(B)(i, ii, and iii)	<u>Deleted.</u> Deleted sections 705(a)(7)(B)(i, ii, and iii), which related to repealed Chapter 5.

705(a)(7)(C)	<u>Deleted.</u> Deleted section 705(a)(7)(C), which related to repealed Chapter 5.
705(a)(7)(C)(i and ii)	<u>Deleted.</u> Deleted sections 705(a)(7)(B)(i and ii), which related to repealed Chapter 5.
705(a)(7)(D)	<u>Deleted.</u> Deleted section 705(a)(7)(D), which related to repealed Chapter 5.
705(a)(8)	<u>Deleted/Moved.</u> Deleted section number 705(a)(8) and moved the language to 705(a)(7).
705(b)	<u>No Change.</u>

SECTION 706 (42 USC 3058e) DEMONSTRATION PROJECTS

<u>OAA 1992 sections:</u>	<u>2000 Amendments to the 1992 OAA sections:</u>
706(a)	<u>No Change.</u>
706(a)(1 - 3)	<u>No Change.</u>
706(b)	<u>No Change.</u>
706(b)(1 - 3)	<u>No Change.</u>

Chapter 2 – Ombudsman Programs

SECTION 711 (42 USC 3058f) DEFINITIONS

<u>OAA 1992 sections:</u>	<u>2000 Amendments to the 1992 OAA Amendments:</u>
711(1)	<u>No Change.</u>
711(2)	<u>No Change.</u>
711(3)	<u>No Change.</u>

711(4) No Change.

711(5) No Change.

711(6) No Change.

SECTION 712 (42 USC 3058g) STATE LONG-TERM CARE OMBUDSMAN PROGRAM

OAA 1992 sections:

2000 Amendments to the 1992 OAA Amendments:

712(a) No Change.

712(a)(1) Changed. Changed language by clarifying that funds appropriated under this part are “made available to carry out this chapter.”

712(a)(1)(A-B) No Change.

712(a)(2) No Change.

712(a)(3) No Change.

712(a)(3)(A) No Change.

712(a)(3)(A)(i) No Change.

712(a)(3)(A)(ii) No Change.

712(a)(3)(A)(ii)(I-III) No Change.

712(a)(3)(B) No Change.

712(a)(3)(C) No Change.

712(a)(3)(D) No Change.

712(a)(3)(E) No Change.

712(a)(3)(F) No Change.

712(a)(3)(G)(i-iii) No Change.

712(a)(3)(H)(i-iii)	<u>No Change.</u>
712(a)(3)(I)	<u>No Change.</u>
712(a)(4)(A)	<u>No Change.</u>
712(a)(4)(B)	<u>No Change.</u>
712(a)(4)(B)(i-ii)	<u>No Change.</u>
712(a)(5)	<u>No Change.</u>
712(a)(5)(A)	<u>No Change.</u>
712(a)(5)(B)	<u>No Change.</u>
712(a)(5)(B)(i-iv)	<u>No Change.</u>
712(a)(5)(B)(v)(I-II)	<u>No Change.</u>
712(a)(5)(B)(vi-vii)	<u>No Change.</u>
712(a)(5)(C)	<u>No Change.</u>
712(a)(5)(C)(i)	<u>No Change.</u>
712(a)(5)(C)(ii)	Added. Expanded the requirement that a representative of the Ombudsman must be free of conflicts of interest “and not stand to gain financially through an action or potential action brought on behalf of individuals the Ombudsman serves.”
712(a)(5)(C)(iii-iv)	<u>No Change.</u>
712(a)(5)(D)	<u>No Change.</u>
712(a)(5)(D)(i-iii)	<u>No Change.</u>
712(b)	<u>No Change.</u>
712(b)(1)	<u>No Change.</u>
712(b)(1)(A)	<u>No Change.</u>
712(b)(1)(B)(i)	<u>No Change.</u>

712(b)(1)(B)(i)(I-II)	<u>No Change.</u>
712(b)(1)(B)(ii)	<u>No Change.</u>
712(b)(1)(B)(ii)(I-III)	<u>No Change.</u>
712(b)(1)(C-D)	<u>No Change.</u>
712(b)(2)	<u>No Change.</u>
712(c)	<u>No Change.</u>
712(c)(1)	<u>No Change.</u>
712(c)(2)	<u>No Change.</u>
712(c)(2)(A-D)	<u>No Change.</u>
712(d)	<u>No Change.</u>
712(d)(1)	<u>No Change.</u>
712(d)(2)	<u>No Change.</u>
712(d)(2)(A)	<u>No Change.</u>
712(d)(2)(B)	<u>No Change.</u>
712(d)(2)(B)(i)	<u>No Change.</u>
712(d)(2)(B)(ii)	<u>No Change.</u>
712(d)(2)(B)(ii)(I-II)	<u>No Change.</u>
712(d)(2)(B)(iii)	<u>No Change.</u>
712(e)	<u>No Change.</u>
712(f)	<u>No Change.</u>
712(f)(1)	<u>No Change.</u>
712(f)(2)	<u>No Change.</u>
712(f)(3)	<u>No Change.</u>

712(f)(3)(A-D)	<u>No Change.</u>
712(f)(4)	<u>No Change.</u>
712(f)(4)(A-B)	<u>No Change.</u>
712(g)	<u>No Change.</u>
712(g)(1)(A)	<u>No Change.</u>
712(g)(1)(A)(i-ii)	<u>No Change.</u>
712(g)(1)(B)	<u>No Change.</u>
712(g)(2)	<u>No Change.</u>
712(h)	<u>No Change.</u>
712(h)(1)	<u>No Change.</u>
712(h)(1)(A-C)	<u>No Change.</u>
712(h)(1)(D)	<u>No Change.</u>
712(h)(1)(D)(i-ii)	<u>No Change.</u>
712(h)(1)(E)(i-ii)	<u>No Change.</u>
712(h)(1)(F)	<u>No Change.</u>
712(h)(2)	<u>No Change.</u>
712(h)(3)(A)	<u>No Change.</u>
712(h)(3)(A)(i-ii)	<u>No Change.</u>
712(h)(3)(B)	<u>No Change.</u>
<u>712(h)(4)</u>	<u>Added/Moved/Changed.</u> Added number 712(h)(4). Moved language from 712(h)(4)(A), which established training procedures based on model standards. Changed this language to require that the State agency “strengthen and update” these procedures. Changed the title of the Associate Commissioner for Ombudsman Programs to the Director of the Office of Long-Term Care Ombudsman Programs.
712(h)(4)(A)	<u>Moved.</u> Moved language to new 712(h)(4). Moved language from old 712(h)(4)(i).

712(h)(4)(A)(i)	<u>Deleted/Moved.</u> Deleted section 712(h)(4)(A)(i). Moved the language to 712(h)(4)(A).
712(h)(4)(A)(ii)	<u>Deleted/Moved.</u> Deleted section 712(h)(4)(A)(ii). Moved the language to 712(h)(4)(B).
712(h)(4)(A)(ii)(I)	<u>Deleted/Moved.</u> Deleted section 712(h)(4)(A)(ii)(I). Moved the language to 712(h)(4)(B)(i).
712(h)(4)(A)(ii)(II)	<u>Deleted/Moved.</u> Deleted section 712(h)(4)(A)(ii)(II). Moved the language to 712(h)(4)(B)(ii).
712(h)(4)(A)(ii)(III)	<u>Deleted/Moved.</u> Deleted section 712(h)(4)(A)(ii)(III). Moved the language to 712(h)(4)(B)(iii).
712(h)(4)(A)(iii)	<u>Deleted/Moved.</u> Deleted section 712(h)(4)(A)(iii). Moved the language to 712(h)(4)(C).
712(h)(4)(B)	<u>Deleted/Moved.</u> Deleted the language providing for an implementation date for the training procedures that are now in place. Moved the language from 712(h)(4)(A)(ii).
712(h)(5)	<u>No Change.</u>
712(h)(5)(A-B)	<u>No Change.</u>
712(h)(6)	<u>No Change.</u>
712(h)(6)(A)	<u>Changed.</u> Changed the language referencing part A of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to subtitle C of the Act (by the same name).
712(h)(6)(B)	<u>No Change.</u>
712(h)(7)	<u>Changed.</u> Changed the language by deleting the word “and” at the end of the sentence in order to accommodate an added section.
712(h)(8)	<u>Moved/Added.</u> Moved the existing language to new 712(h)(9). Added the new language that the State agency shall require the Office of the State Long-Term Care Ombudsman to “coordinate services with State and local law enforcement agencies and courts of competent jurisdiction....”
712(h)(9)	<u>Added/Moved.</u> Added section number 712(h)(9). Moved the language from 712(h)(8).

712(i)	<u>No Change.</u>
712(j)	<u>No Change.</u>
712(j)(1-3)	<u>No Change.</u>

SECTION 713 (42 USC 3058h) REGULATIONS

<u>OAA 1992 sections:</u>	<u>2000 Amendments to the 1992 OAA Amendments:</u>
713	<u>No Change.</u>
713(1-2)	<u>No Change.</u>

Chapter 3 – Programs for Prevention of Elder Abuse, Neglect, and Exploitation

SECTION 721 (42 USC 3058i) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

<u>OAA 1992 sections:</u>	<u>2000 Amendments to the 1992 OAA sections:</u>
721(a)	<u>Changed.</u> Changed the language by stating that the appropriated funds are “made available to carry out this chapter.”
721(b)	<u>Changed.</u> Changed the language by adding “(including financial exploitation)” after the listing of “exploitation” in order to clarify that exploitation includes financial exploitation.
721(b)(1)	<u>No Change.</u>
721(b)(2)	<u>Changed.</u> Changed the language to include that State agency services coordination shall also take place with “State and local law enforcement systems, and courts of competent jurisdiction.”
721(b)(3-4)	<u>No Change.</u>

721(b)(5)	<u>Added.</u> Changed the language to ensure that Ombudsman training activities of individuals shall include “caregivers described in part E of title III.”
721(b)(6-7)	<u>No Change.</u>
721(b)(8)	<u>No Change.</u>
721(b)(8)(A)	<u>No Change.</u>
721(b)(8)(B)	<u>No Change.</u>
721(b)(8)(B)(i-ii)	<u>No Change.</u>
721(b)(8)(C)	<u>No Change.</u>
721(b)(8)(C)(i-v)	<u>No Change.</u>
721(b)(8)(D-F)	<u>No Change.</u>
721(b)(8)(G)	<u>No Change.</u>
721(b)(8)(G)(i-iii)	<u>No Change.</u>
721(c)	<u>No Change.</u>
721(d)	<u>No Change.</u>
721(d)(1-7)	<u>No Change.</u>
721(d)(8)	<u>Changed.</u> Changed the language to ensure that coordination with law enforcement agencies on services for the protection of vulnerable adults takes place on both the “State and local” levels.
721(e)	<u>No Change.</u>
721(e)(1)	<u>No Change.</u>
721(e)(2)	<u>No Change.</u>
721(e)(2)(A-C)	<u>No Change.</u>
721(e)(3)	<u>No Change.</u>
721(f)	<u>No Change.</u>

<u>721(g)</u>	<u>Added.</u> Added section 721(g), which created a new subsection called, “Study and report.”
<u>721(g)(1)</u>	<u>Added.</u> Added section 721(g)(1), which identified the study participants, purpose, and existing protections related to financial exploitation.
<u>721(g)(2)</u>	<u>Added.</u> Added section 721(g)(2), which called for a study report to be submitted to Congress not later than April 12, 2002.
<u>721(g)(2)(A)</u>	<u>Added.</u> Added section 721(g)(2)(A), which required that the report contain the results of the study.
<u>721(g)(2)(B)</u>	<u>Added.</u> Added section 721(g)(2)(B), which required that the report contain “recommendations for future actions to combat the financial exploitation of older individuals.”

Chapter 4 – State ~~Elder Rights~~ and Legal Assistance Development Program

SECTION 731 (42 USC 3058j) STATE LEGAL ASSISTANCE DEVELOPMENT PROGRAM

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

731	<u>Deleted/Moved.</u> Deleted the words “Elder Rights and” from the titles for Chapter 4 and Section 731. Moved language from 731(b)(2) regarding the State agency function to provide “a State legal assistance developer and other personnel.”
731(a)(1)	<u>Deleted/Moved.</u> Deleted the number 731(a)(1). Deleted the language requiring a connection between funding eligibility and the delivery of required services. Deleted the language regarding the requirement to establish, in consultation with AAAs, a program to provide leadership for improving advocacy assistance as a means for ensuring a comprehensive elder rights system. Moved to new 731(6) the language regarding the requirement for improving “the quality and quantity of legal services.”
731(a)(2)	<u>Deleted/Moved.</u> Deleted section 731(a)(2). Moved to new 731(2) the language regarding the provision for coordination. Moved to new

731(3) the language regarding the provision for technical assistance.

731(a)(2)(A)

Deleted/Moved. Deleted section 731(a)(2)(A). Moved to new 731(5) the language regarding the State capacity to assist older individuals in “understanding their rights.”

731(a)(2)(B)

Deleted/Moved. Deleted section 731(a)(2)(B). Moved to new 731(5) the language regarding the State capacity to assist older individuals in “exercising choices.”

731(a)(2)(C)

Deleted/Moved. Deleted section 731(a)(2)(C). Moved to new 731(5) the language regarding the State capacity to assist older individuals in “benefiting from services and opportunities authorized by law.”

731(a)(2)(D)

Deleted/Moved/Changed. Deleted section 731(a)(2)(D). Moved to new 731(5) the language regarding the State capacity to assist older individuals in “maintaining the rights of older individuals.” Changed this provision from focusing on those “with reduced capacity” to those “at risk of guardianship.”

731(a)(2)(E)

Deleted. Deleted section 731(a)(2)(E), which required that the State agency coordinate and assist AAAs and other entities to assist older individuals in “solving disputes.”

731(b)(1)

Deleted. Deleted section 731(b)(1), which required the State agency to “establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decision-making, protective services, public benefits, and dispute resolution.”

731(b)(2)

Deleted/Moved. Deleted section 731(b)(2). Moved to new 731 the State agency function to provide “a State legal assistance developer and other personnel.”

731(b)(2)(A)

Deleted/Moved. Deleted section 731(b)(2)(A). Moved to new 731(1) the language that requires the State agency to provide “State leadership in securing and maintaining the legal rights of older individuals.”

731(b)(2)(B)

Deleted/Moved. Deleted section 731(b)(2)(B). Moved to new 731(2) the language that requires that the State agency has the “State capacity” for coordinating the provision of legal assistance.

731(b)(2)(C)	<u>Deleted/Moved.</u> Deleted section 731(b)(2)(C). Move to new 731(3) the language that requires that the State agency has the “State capacity” to provide technical assistance, training, and other supportive functions.
731(b)(2)(D)	<u>Deleted/Moved.</u> Deleted section 731(b)(2)(D). Moved to new 731(4) the language that requires that the State agency has the “State capacity to promote financial management services for older individuals at risk of conservatorship.”
731(b)(3)(A)	<u>Deleted.</u> Deleted section 731(b)(3)(A), which required the State agency function to develop, in conjunction with AAAs and legal assistance providers, statewide standards for the delivery of legal services.
731(b)(3)(B)	<u>Deleted.</u> Deleted section 731(b)(3)(B), which required the State agency function to provide technical assistance to AAAs and legal service providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals.
731(b)(4)	<u>Deleted.</u> Deleted section 731(b)(4), which required the State agency function to ensure coordination with Title III legal assistance activities, Legal Services Corporation, Ombudsman and Elder abuse prevention programs, and other legal services for elders.
731(b)(5)	<u>Deleted.</u> Deleted section 731(b)(5), which required the State agency function to provide education and training of professionals, volunteers, and other individuals concerning elder rights, requirements and benefits of specific laws, and methods for enhancing the coordination of services.
731(b)(6)(A and B)	<u>Deleted.</u> Deleted sections 731(b)(6), 731(b)(6)(A), and 731(b)(6)(B), which required the State agency function to promote and provide training for individuals who are or may become guardians or representative payees of older individuals on their duties and alternatives to guardianship.
731(b)(7)	<u>Deleted.</u> Deleted section 731(b)(7), which required the State agency function to provide technical assistance concerning pro bono services (e.g., from law schools), local bar committees, legal hot lines, alternative dispute resolution, and other methods to expand access by older individuals to legal assistance.

731(b)(8)(A and B)

Deleted. The sections 731(b)(8), 731(b)(8)(A), and 731(b)(8)(B), which required the State agency function to periodically assess the status of elder rights, including an analysis of the unmet need for legal assistance, methods for expanding advocacy services, status of substitute decision making systems (i.e., guardianship, payeeship, and advance directives), access to courts, and the implementation of civil rights and age discrimination laws in the State.

731(b)(9)(A and B)

Deleted. Sections 731(b)(9), 731(b)(9)(A), and 731(b)(9)(B), which required the State agency function to develop working agreements with State entities (consumer protection agency, court system, attorney general, EEO commission, and others) and Federal entities (SSA, HCFA, VA, and others).

731(1)

Added/Moved. Added the number 731(1). Moved from to 731(b)(2)(A) the language that requires the State agency to provide “State leadership in securing and maintaining the legal rights of older individuals.”

731(2)

Added/Moved. Added the number 731(2). Moved from 731(a)(2) the language that the State agency will coordinate the provision of legal services. Moved from 731(b)(2)(B) the language that requires that the State agency has the “State capacity” for coordinating the provision of legal assistance.

731(3)

Added/Moved. Added the number 731(3). Moved from 731(a)(2) the language that the State agency will provide technical assistance to AAAs and other entities assisting older individuals. Moved from 731(b)(2)(C) the language that requires that the State agency has the “State capacity” to provide technical assistance, training, and other supportive functions.

731(4)

Added/Moved. Added section 731(4). Moved from 731(b)(2)(D) the language that requires that the State agency has the “State capacity to promote financial management services for older adults at risk of conservatorship.”

731(5)

Added/Moved/Changed. Added section 731(5). Moved from 731(a)(2)(A) the language regarding the State capacity to assist older individuals in “understanding their rights.” Moved from 731(a)(2)(B) the language regarding the State capacity to assist older individuals in “exercising choices.” Moved from 731(a)(2)(C) the language regarding the State capacity to assist older individuals in “benefiting from services and opportunities authorized by law.” Moved from 731(a)(2)(D) the language regarding the State capacity to assist older individuals in “maintaining the rights of older individuals.” This provision was changed from focusing on those

“with reduced capacity” to those “at risk of guardianship.”

731(6)

Added/Moved. Added section 731(6). Moved from 731(a)(1) the language regarding the State agency requirement for improving “the quality and quantity of legal services.”

Chapter 5 – Outreach, Counseling, and Assistance Program

SECTION 741 (42 USC 3058k) STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS

OAA 1992 sections:

2000 Amendments to the 1992 OAA sections:

741

Deleted. Deleted section number and language. This section referenced an allotment under section 703, from funds appropriated under section 702(d), given to a State, to establish in coordination with area agencies on aging, a program to provide to older individuals outreach, counseling, and assistance related to obtaining insurance benefits; and a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, public benefits.

Note: There is no affect on CDA HICAP because there has been no federal grant to CDA since 1996-97 for this program (information from Steve Miars, CDA HICAP).

February, 2004